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## Regulations

### TITLE 7—AGRICULTURE

#### Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-98]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN DECATUR, ILL., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.132 *Quota restrictions.*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof.

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery?

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Decatur, Illinois, sales area, and is referred to hereinafter as the "sales area".

The city of Decatur and the township of Decatur, in Macon County, Illinois.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of

pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentages: (i) Milk, 100 percent; (ii) butterfat in milk, \_\_\_\_\_ percent; (iii) cream, 75 percent; (iv) butterfat, in cream, 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese, 75 percent; and (vi) cottage, pot, or baker's cheese, 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored

(Continued on next page)

## CONTENTS

### REGULATIONS AND NOTICES

	Page
DEFENSE SUPPLIES CORPORATION:	
Butter production payments; miscellaneous amendments	15798
Livestock production payments; miscellaneous amendments	15799
HOME OWNERS' LOAN CORPORATION:	
Loan service division; extended coverage	15772
INTERSTATE COMMERCE COMMISSION:	
Steam roads, uniform system of accounts	15801
LABOR DEPARTMENT:	
Fuller Motor Delivery Co., findings regarding transportation of coal	15800
OFFICE OF ECONOMIC WARFARE:	
General licenses:	
Countries of destination, additions to list	15776
Stores, supplies, etc., for use of ships' and planes' personnel en voyage, export authorized	15776
OFFICE OF PRICE ADMINISTRATION:	
Gasoline rationing (RO 5C, Am. 84)	15783
Iron ore, transportation on Great Lakes (RSR 14, Am. 53)	15792
Lumber, hardwood (MPR 467 incl. Am. 1)	15784
Meats, fats, etc., rationing (RO 16, Am. 24 to Supp. 1)	15784
Regional and district office orders:	
Community ceiling prices, list of orders filed	15304
Firewood, Asotin County, Wash., Nez Perce County, Idaho	15204
Fluid milk, designated areas:	
Bushnell, Ill.	15303
Massachusetts	15301
Plattsmouth, Nebr.	15302
Lettuce, Chicago region, Ill., terminal market cities	15302
Food and drink sold for immediate consumption, designated Massachusetts counties (Restaurant, MPR 1-4, Am. 3)	15792

(Continued on next page)



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#### CONTENTS—Continued

<b>OFFICE OF PRICE ADMINISTRATION—Continued.</b>	
Regional and district office orders—Continued.	Page
Ludefisk sold in designated midwestern states	15803
Raisins, transportation by motor carriers in California	15803
Shoe rationing (RO 17, Am. 45)	15784
Umbrella frames, women's (RSR 14, Am. 52)	15792
<b>PETROLEUM ADMINISTRATION FOR WAR:</b>	
Fuel oil, delivery for use in electric power generation (PDO 3, Supp. Order 1, Rev.)	15798
Principal petroleum products, transportation (Petroleum Dir. 59)	15792
<b>RECLAMATION BUREAU:</b>	
Box Elder Creek Reservoir Site, N. Dak., revocation of first form withdrawal	15800
<b>RAILROAD RETIREMENT BOARD:</b>	
Southern Pacific Co. and Morrison-Knudsen Co., Inc., employee status and benefits	15804
<b>SELECTIVE SERVICE SYSTEM:</b>	
Replacement schedule certification and individual certification, forms prescribed	15776
<b>SOLID FUELS ADMINISTRATION FOR WAR:</b>	
Bituminous coal, shipments (Reg. 10)	15773
<b>WAGE AND HOUR DIVISION:</b>	
Apprentices, temporary special certificates amended	15772
Puerto Rico diamond cutting industry, cancellation of certificates for apprentices at subminimum rates	15801

#### CONTENTS—Continued

<b>WAGE AND HOUR DIVISION—Con.</b>	
Telephone industry, amendment of regulations governing learner employment certificates	15800
<b>WAR FOOD ADMINISTRATION:</b>	
Fluid milk, various sales areas:	
Decatur, Ill.	15767
Madison, Wis.	15770
Springfield, Ill.	15769
York, Pa.	15771
Gallatin Livestock Market, Inc., Tenn., deleted from list of posted stock markets	15772
Livestock, slaughter and delivery of meat (FDO 75, Am. 3)	15772
<b>WAR PRODUCTION BOARD:</b>	
Acetic anhydride, acetic acid, etc. (M-243)	15781
Aircraft (M-360)	15779
Baby carriages (L-152, Sch. III)	15780
Controlled materials plan:	
Containers (CMP 5, Int. 4, Rev.)	15779
Pattern equipment, aluminum (CMP 5, Dir. 1)	15778
Plastic products (CMP 5, Am. 2)	15778
Military insignia, officers' (L-131-a, Rev.)	15777
Principal petroleum products, certificate of approval of Petroleum Administration for War directive governing deliveries	
Printing, commercial (L-241)	15777
Rayon staple fibre (M-176, Rev.)	15777
Wool (M-73)	15780
<b>WAR SHIPPING ADMINISTRATION:</b>	
Insurance; miscellaneous amendments	15799

milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(1) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has

made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 16th day of November 1943.

S. R. SMITH,  
Acting Director of  
Food Distribution.

[F. R. Doc. 43-18532, Filed, November 17, 1943;  
1:12 p. m.]

[FDO 79-99]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SPRINGFIELD, ILL.,  
SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.133 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Springfield, Illinois, sales area, and is referred to hereinafter as the "sales area":

The city of Springfield and the townships of Springfield, Capital, and Woodside, all in Sangamon County, Illinois.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of

pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk, 100 percent; (ii) butterfat in milk, ----- percent; (iii) cream, 75 percent; (iv) butterfat in cream, 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese, 75 percent; and (vi) cottage, pot, or baker's cheese, 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following:

(1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliv-

eries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preced-

ing quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 16th day of November 1943.

S. R. SMITH,  
Acting Director of  
Food Distribution.

F. R. Doc. 43-18533; Filed, November 17, 1943;  
1:12 p. m.]

[FDO 79-100]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MADISON, WIS.,  
SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.134 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Madison, Wisconsin, sales area, and is referred to hereinafter as the "sales area":

The city of Madison, the towns of Blooming Grove and Madison, and the villages of Monona, Maple Bluff, and Shorewood Hills, all in Dane County, Wisconsin.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provi-

sions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk, 100 percent; (ii) butterfat in milk, ----- percent; (iii) cream, 75 percent; (iv) butterfat in cream, 75 percent; (v) milk byproducts other than cottage, pot or baker's cheese, 75 percent; and (vi) Cottage, pot or baker's cheese, 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 150 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computations of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent,

within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 16th day of November 1943.

S. R. SMITH,  
Acting Director of  
Food Distribution.

[F. R. Doc. 43-18534; Filed, November 17, 1943;  
1:12 p. m.]

[FDO 79-101]

PART 1410—DAIRY PRODUCTS

FLUID MILK AND CREAM IN YORK, PA., SALES  
AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F. R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.131 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the York, Pennsylvania, sales area, and is referred to hereinafter as the "sales area":

The city of York, the townships of Manchester, Springetsbury, Spring Garden, West

Manchester, and York, and the boroughs of Dallastown, North York, Red Lion, West York, and Yoe, all in York County, Pennsylvania.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk, 100 percent; (ii) butterfat in milk, \_\_\_\_\_ percent; (iii) cream, 75 percent; (iv) butterfat in cream, 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese, 75 percent; and (vi) cottage, pot, or baker's cheese, 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream

from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages, containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 16th day of November 1943.

S. R. SMITH,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18635; Filed, November 17, 1943; 1:12 p. m.]

[FDO 75, Amdt. 3]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508), § 1410.15, issued under authority of the War Food Administrator on August 9, 1943, is further amended by deleting subparagraph (1) and substituting in lieu thereof the following:

(1) *Support prices; ceiling prices.* (1) All Class 1 and Class 2 slaughterers shall pay, for good to choice butcher hogs (barrows and gilts) within the weight range of from 200 to 270 pounds, not less than the following support prices:

(i) Chicago market, \$13.75 per hundredweight;

(ii) At any market other than Chicago, until November 29, 1943, the support price at Chicago adjusted by the normal price differential, as affected by present conditions, between Chicago prices and prices at such other market;

(iii) At any market other than Chicago, effective November 29, 1943, \$1.00 per hundredweight below the maximum price, applicable at such market, as established by the Office of Price Administration. Such support prices shall remain effective until the War Food Administrator determines the need for and announces a modification with respect to any market. In making such determination, the War Food Administrator will give consideration to information received from producers, packers, and others indicating that the existing support price for any such market does not represent, under existing conditions, an appropriate differential in relation to the Chicago support price.

(2) All Class 1 and Class 2 slaughterers shall pay not more than such maximum prices for swine as may be established by the Office of Price Administration under the Emergency Price Control Act of 1942, as amended.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this Amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This order shall become effective at 12:01 a. m., e. w. t., November 19th, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 18th day of November 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18636; Filed, November 19, 1943; 11:33 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration (Packers and Stockyards)

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

GALLATIN LIVESTOCK MARKET, INC. GALLATIN, TENN.

It has been ascertained that the Gallatin Livestock Market, Gallatin, Tennessee, posted on May 11, 1938, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, no longer comes within the definition of a stockyard under the act. Therefore, notice of such fact is given to the owner of such stockyard and to the public, and the name of the stockyard is deleted from the list of posted stockyards in the Code of Federal Regulations, Title 9, § 204.1.

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 18th day of November 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-18637; Filed, November 19, 1943; 11:33 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 239]

PART 402—LOAN SERVICE DIVISION

EXTENDED COVERAGE

Section 402.25-2 *Extended coverage* (8 F.R. 4860) is amended as follows:

The words "14—Kansas" shall be deleted from Group I and added to Group IX.

Effective November 17, 1943.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 43-18598; Filed, November 18, 1943; 1:43 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 521—REGULATIONS APPLICABLE TO THE EMPLOYMENT OF APPRENTICES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT OF 1938

TEMPORARY SPECIAL CERTIFICATES

The following regulations amending § 521.3 of the regulations applicable to the employment of apprentices pursuant to section 14 of the Fair Labor Standards Act of 1938 are hereby issued. These regulations shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER.

§ 521.3 *Temporary special certificates.* The written apprenticeship agreement when approved by a recognized local joint apprenticeship committee or by a recognized State apprenticeship council, and after the employer has received notice of such approval by the approving agency, shall be considered a temporary special certificate authorizing the employment of the apprentice at a wage rate or rates lower than the applicable minimum under section 6 of the Act, specified in the approved agreement, until such time as a special certificate is issued by the Administrator or his authorized representative, or the employer is notified that his request for a special certificate is denied: *Provided, however,* That no such apprenticeship agreement shall provide for rates lower than those which may have been established by the Administrator in special regulations for any industry or branch thereof in Puerto Rico. In the event that a request for a

special certificate is denied, the temporary special certificate shall be considered terminated and the employer shall thenceforth, upon receipt of notice of such denial, pay the minimum wage applicable under section 6 of the Act to the named apprentice.

Signed at New York this 18th day of November 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-18634; Filed, November 19, 1943;  
11:29 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter VI—Solid Fuels Administration for War

[Reg. 10]

#### PART 602—GENERAL ORDERS AND DIRECTIVES

##### LIMITATION OF BITUMINOUS COAL DELIVERY

The fulfillment of requirements for the defense of the United States and work stoppages at the mines have created a serious threat of shortage in the supply of bituminous coal for defense, for private account and for export.

Solid Fuels Administration for War Regulation No. 4 (8 F.R. 11653) was issued, "pending further detailed study," to require producers of bituminous coal in certain eastern producing districts to meet in full certain commitments to ship coal and to satisfy other commitments pro rata upon a uniform percentage basis. Regulation No. 4 contemplated the making of voluntary efforts to level purchasers' stocks and Amendment No. 1 of that regulation (8 F.R. 12285) provided additional controls in respect to District 8 coal; and Solid Fuels Administration for War Order No. 5 (8 F.R. 12165) was issued to require the inclusion, in orders for coal, of certain information relating to purchasers' bituminous coal requirements and stocks in order that producers in the eastern producing districts could arrange with purchasers with large stocks for reduction of the volume of their shipments to such purchasers.

Further detailed study indicates that wide quantitative variations continue to exist among purchasers' stocks and that the increase in the requirements of bituminous coal has continued to be unequaled by the increase in production of coal. A great number of directions have had to be issued under Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832) requiring the shipment of coal to individual consumers not adequately protected by stocks and to retail dealers in communities threatened by cold weather without having sufficient coal. It now appears necessary, in furtherance of the war program, to institute a more comprehensive stock limitation program. This program is designed to curtail shipments to industrial consumers with relatively large stocks so that producers in Pennsylvania, Ohio, Virginia, West Virginia, Maryland, Ken-

tucky, Tennessee, Alabama, Illinois, Indiana and certain other areas may more readily, and without numerous directions from the Solid Fuels Administration for War, supply the needs of industrial consumers with relatively small stocks and supply ample coal to the retail dealers in every community dependent upon bituminous coal for household fuel. Accordingly, in order to effectuate the purposes of Executive Order No. 9332 (8 F.R. 5355), and by virtue of the authority conferred by that order, part of Solid Fuels Administration for War Regulation No. 4, as amended (8 F.R. 11653, 12285), and all of Solid Fuels Administration for War Order No. 5 (8 F.R. 12165) are revoked herein, and the following regulation is issued by the Solid Fuels Administrator for War:

- Sec.
- 602.171 Definitions.
- 602.172 Limitations based upon bituminous coal stocks of industrial consumers.
- 602.173 Voluntary efforts to level industrial consumers' stocks.
- 602.174 Restrictions on shipments to industrial consumers unless orders are submitted on time and contain certain information.
- 602.175 Reports by producers, commercial dock operators and lake or tidewater forwarders.
- 602.176 Industrial consumer requests for assistance in securing and maintaining stocks.
- 602.177 Prohibited operating practices.
- 602.178 Production in no event to be curtailed.
- 602.179 Representations.
- 602.180 Damages for breach of contract.
- 602.181 Violations.
- 602.182 Application for modification and exception; inquiries and communications.
- 602.183 Approval by Bureau of the Budget.
- 602.184 Action under other regulations.
- 602.185 Revocation of Solid Fuels Administration for War Order No. 5, and partial revocation of Solid Fuels Administration for War Regulation No. 4 as Amended.
- 602.186 Effective date of this regulation.

AUTHORITY: §§ 602.171 to 602.185, inclusive, issued under E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

§ 602.171 *Definitions.* For purposes of this regulation:

(a) "Coal" or "bituminous coal" means all bituminous and subbituminous coal produced in Districts 1-13, inclusive, except Districts 5 and 12, as described in the Annex to the Bituminous Coal Act of 1937, as amended.

(b) "Person" means any individual, partnership association, business trust, corporation, governmental corporation or agency, or organized group of persons.

(c) "Producer" means any person (except when engaged in retail dealer transactions) engaged in the business of mining or preparing bituminous coal (or the sales agent of such person).

(d) "Wholesaler" means any distributor, jobber, forwarder, commercial dock operator (river, lake, or tidewater), or other person (except when engaged in retail dealer transactions) who acts in the capacity of a seller in a transaction involving the resale of bituminous coal.

(e) "Industrial consumer" means any person who consumes bituminous coal and acts in the capacity of a buyer or consignee of such coal either in a transaction of purchase thereof from a producer or wholesaler, or pursuant to an order placed with a producer or wholesaler.

(f) "Public utility" means an industrial consumer who renders a public service by supplying electricity, water, or gas to a community.

(g) "Retail dealer" means any person (including the retail outlet, branch or department of a person who is also a producer or wholesaler) who acts in the capacity of a seller of bituminous coal in a transaction involving the sale, or sale and delivery, of broken bulk bituminous coal, physically handled in less than carload lots without regard to quantity or frequency of delivery.

(h) "Order" means any contract, spot order, offer to purchase, shipping instruction, requisition or any other arrangement made by an industrial consumer or by a wholesaler, designed to purchase or secure bituminous coal from any producer or wholesaler.

(i) "Days' supply" means the total amount of coal (produced in Districts Nos. 1-23, inclusive) that the purchaser estimates will be in storage, upon the last day of the calendar month in which he places an order for bituminous coal, at his bin, dock, pile, in railroad cars, or vessels, or other storage facility auxiliary to each of his plants (or railroad system) including the total amount of coal held in storage away from each plant (or railroad system) (exclusive of such coal in transit which is not expected to arrive at the purchaser's plant, railroad system, or storage facility by the end of the month in which the order is placed) for the purchaser's account or under his control, divided by the average number of tons that it is reasonably expected the plant (or railroad system) will consume each day, including Sundays and legal holidays, during the calendar month following the month of placing an order for coal. A railroad system, in computing days' supply, shall include coal in cars on its system for its own use.

When a storage facility is auxiliary to more than one plant (or railroad system), the tonnage in such facility shall be divided by the sum of the average number of tons that is reasonably expected each plant (or railroad system) will consume each day, including Sundays and legal holidays, during the calendar month following the month of placing an order for such coal and the result of this process of division shall be deemed to be the days' supply of each plant (or railroad system) contained in such common storage facility.

Days' supply shall be computed separately for those sizes and qualities of bituminous coal which are not substantially interchangeable in the operation of the plant (or railroad system).

(j) "Monthly consumption requirements" means requirements of a plant (or railroad system) for the month during which deliveries are requested and should be computed separately for those

sizes and qualities of bituminous coal which are not substantially interchangeable in the operation of the plant (or railroad system).

§ 602.172 *Limitations based upon bituminous coal stocks of industrial consumers.* (a) Except as provided or permitted by paragraphs (b) and (c) of this section and by §§ 602.178 and 602.182, no industrial consumer shall place an order for delivery, or receive, during any calendar month, bituminous coal in amounts exceeding the maximum percentage (to the nearest carload or barge lot) of his monthly consumption requirements as specified in the following stock limitation table:

STOCK LIMITATION TABLE

[Maximum percentage of monthly consumption requirements that may be ordered for delivery and received during any calendar month by an industrial consumer, from all sources combined, for a plant (or railroad system) based upon the days' supply of coal at such plant (or railroad system)]

Days' supply (see § 602.171 (b))	Maximum percentage of monthly consumption requirements			
	Public utilities		Other industrial consumers	
	A <sup>1</sup>	B <sup>2</sup>	A <sup>1</sup>	B <sup>2</sup>
	Percent	Percent	Percent	Percent
Less than 15 days.....	140	140	140	140
15 to 24 days.....	140	140	130	140
25 days.....	130	140	100	140
26 to 30 days.....	130	140	75	140
31 to 39 days.....	130	140	75	130
40 days.....	100	130	75	100
41 to 54 days.....	75	130	75	75
55 days.....	60	100	60	75
56 to 69 days.....	60	75	60	75
70 and more days.....	60	60	60	60

<sup>1</sup> Applicable to purchasers of bituminous coal shipped from any mine, yard, dock, or other place via any method of transportation and to any destination except those referred to in footnote 2. Notwithstanding the percentage figures in these columns, no public utility having less than a 40 days' supply may order more coal than is necessary to maintain a 40 days' supply; and no industrial consumer other than a public utility having less than a 25 days' supply may order more coal than is necessary to maintain a 25 days' supply. A public utility having more than 40 days' supply may order and receive that additional amount of coal necessary to maintain 40 days' supply; and an industrial consumer having more than 25 days' supply may order and receive that additional amount of coal necessary to maintain 25 days' supply.

<sup>2</sup> Applicable to purchasers of bituminous coal shipped to Canada via any method of transportation and to purchasers of bituminous coal directly shipped via tidewater to any destination in New York Harbor or New England. Notwithstanding the percentage figures in these columns, no public utility having less than a 65 days' supply may order more coal than is necessary to maintain a 65 days' supply and no industrial consumer other than a public utility having less than a 40 days' supply may order more coal than is necessary to maintain a 40 days' supply. A public utility having more than 65 days' supply may order and receive that additional amount of coal necessary to maintain 65 days' supply; and an industrial consumer having more than 40 days' supply may order and receive that additional amount of coal necessary to maintain 40 days' supply.

(b) No restrictions upon the basis of days' supply are imposed by this regulation upon orders for bituminous coal for the following uses: vessel fuel or bunker fuel, manufacture of coke, smelting, raw material used in the manufacture of gas, or chemicals, and foundry, malleable or other metallurgical purposes.

(c) Paragraph (a) of this section is not applicable to shipments of coal by commercial dock operators located on Lake Superior or on the west bank of Lake Michigan north of, and including,

Waukegan, Illinois. Such commercial dock operators are prohibited from shipping any surplus tonnage resulting from the restrictions imposed by this paragraph upon the amount of coal permitted to be received by an industrial consumer from such commercial dock operator. No industrial consumer (except as provided in paragraph (b) of this section) or railroad system shall place an order for a delivery, or receive, from all sources combined, during the period beginning with the effective date of this regulation to May 31, 1944, bituminous coal in excess of the amount representing the difference between the consumer's inventory as reported to commercial dock operators pursuant to the directions issued by the Solid Fuels Administration for War on September 16, 1943, and reported to the Solid Fuels Administration for War pursuant to its directions of October 13, 1943, and the estimate of such industrial consumer's requirements for the period ending May 31, 1944, as specified in the directions of September 16, 1943.

§ 602.173 *Voluntary efforts to level industrial consumers' stocks.* The extent to which the Stock Limitation Table of § 602.172 requires industrial consumers to draw upon stocks in order to meet current consumption requirements should be deemed to be a general standard for drawing down stocks. Producers, wholesalers and consumers shall endeavor to agree to reduce voluntarily, wherever practicable, shipments of bituminous coal to consumers below the maximum percentages of consumption requirements that may be ordered and received by industrial consumers during any calendar month. Each month the advisory board for the producing districts subject to this part shall recommend to the Solid Fuels Administrator for War such variations in the Stock Limitation Table as they deem appropriate in order to meet production and distribution problems of their districts.

§ 602.174 *Restrictions on shipments to industrial consumers unless orders are submitted on time and contain certain information.* (a) Except as provided in paragraph (b) of this section, producers and wholesalers are prohibited from shipping bituminous coal to an industrial consumer on any order during any calendar month by any method or combined methods of transportation unless:

(1) The order has been received on or before the last day of the preceding calendar month, and

(2) The written order or confirmation of the order contains, or is amended to contain, the following information and a statement that such information is correct:

(i) Separately by uses the specific number of tons ordered from the producer or wholesaler with whom the order is placed;

(ii) Separately by uses the estimated days' supply of the plant (or railroad system) as of the last day of the calendar month during which the order is placed;

(iii) Separately by uses the monthly consumption requirements of the plant (or railroad system);

(iv) Separately by uses the total tonnage of bituminous coal (produced in Districts 1-23, inclusive) ordered for delivery to the plant (or railroad system) during the same calendar month from all suppliers of bituminous coal.

(b) The provisions of this section shall not apply to an order for vessel or bunker fuel, to an order from any purchaser who does not order for delivery during the calendar month and will not receive during the calendar month from all sources combined more than 50 tons or one carload of bituminous coal, or an order of the War Department, Navy Department, War Shipping Administration, Maritime Commission, Office of Lend-Lease Administration, or Office of Economic Warfare. Since the provisions of this section are applicable only to orders of industrial consumers, they are inapplicable to orders of retail dealers.

(c) Producers and wholesalers are prohibited from shipping bituminous coal on any order of a wholesaler unless the order contains the information required to be submitted to the wholesaler by the wholesaler's customer (industrial consumer) under paragraph (a) (2) of this section, *Provided, however,* That the provisions of this paragraph shall not apply (1) to an order of a commercial dock operator with respect to coal not segregated and earmarked for a particular industrial consumer for shipment to the commercial dock by rail, lake, tidewater or river or (2) to an order for shipment to a lower lake dumping port or to a tidewater dumping port if the coal is not segregated and earmarked for transshipment to a specific industrial consumer, or (3) to an order received by a commercial dock operator located on Lake Superior, or on the west bank of Lake Michigan north of, and including Waukegan, Illinois.

§ 602.175 *Reports by producers, commercial dock operators and lake or tidewater forwarders.* (a) Each producer and commercial dock operator, lake or tidewater forwarder shall report, on or before December 5, 1943, and on or before the fifth day of each month thereafter, on forms to be supplied by the Solid Fuels Administration for War (with the cooperation of the Advisory Boards which have agreed to help effectuate the proper distribution of such documents), any information which has been furnished to him by industrial consumers or wholesalers pursuant to this regulation, or Order No. 5, (8 F.R. 12165) issued September 2, 1943. Such reports as may be required from commercial dock operators, lake or tidewater forwarders shall be filed with the Solid Fuels Administration for War, Washington 25, D. C., and such reports as may be required from producers may be filed, at the address specified in Appendix A, annexed hereto and made part hereof, with the Area Distribution Manager of the Solid Fuels Administration for War for the district in which the mine is located.

(b) The Area Distribution Manager shall make available to designated representatives of the appropriate Bituminous Coal Producers Advisory Board any information contained in the reports required to be filed by producers and wholesalers under this section. Such information shall be deemed to be confidential and is not to be compiled, abstracted, or disclosed by the area distribution manager, any member of the Advisory Board or any other person, except in so far as is necessary to accomplish the purposes of this regulation, or as authorized by the Solid Fuels Administrator for War.

§ 602.176 *Industrial consumer requests for assistance in securing and maintaining stocks.* Any consumer who has been informed by a producer or a wholesaler that an order cannot be filled to the extent permitted by § 602.172, shall endeavor to secure coal from other suppliers and may request assistance in obtaining coal by filing a request in writing with the area distribution manager for the area from which the consumer normally obtains coal. The request for such assistance shall be filed in duplicate and shall be accompanied by a copy of the order or orders not expected to be filled and a copy of the order or orders, prepared in strict conformity with this part, which he desires to serve upon any producer or wholesaler designated by the area distribution manager as having available a supply of coal. The area distribution manager shall, upon receipt of an application pursuant to this section, transmit one copy thereof to the appropriate Bituminous Coal Producers Advisory Board, which shall forthwith consult with the area distribution manager and shall transmit to him in writing its recommendations concerning the sources of supply which will be voluntarily available to the applicant in the event the applicant voluntarily places appropriate orders with such sources of supply. The Advisory Board and the area distribution manager may recommend to the Solid Fuels Administrator for War the issuance of such directions as appear to be appropriate for the purpose of securing for any applicant, pursuant to this section, coal sufficient to meet such applicant's requirements, to the extent permitted by the table set forth in § 602.172 and other specified factors taken into account by the Advisory Board or the area distribution manager.

A consumer who is doubtful as to which area distribution manager or managers he should apply, may request the Solid Fuels Administrator for War, Washington 25, D. C., for assistance.

§ 602.177 *Prohibited operating practices.* No preparation, sizing or crushing of coal shall be engaged in by any person in order to avoid fulfilling any order of an industrial consumer served in accordance with this regulation, or any order of a retail dealer.

§ 602.178 *Production in no event to be curtailed.* Notwithstanding any other provision of this regulation, no producer shall be required to curtail his production by reason of the provisions of this

regulation. In the event a producer does not have orders on which shipments may be made consistent with this part during any calendar week, he may arrange, if necessary, in order to permit operation of the mine without curtailment, for the distribution of surplus coal during that calendar week; *Provided, however,* That he shall forthwith notify the area distribution manager for his district of any such situations.

§ 602.179 *Representations.* (a) All statements required by this regulation to be contained in written orders and confirmations of orders as well as those to be contained in reports to be filed with area distribution managers, shall be deemed made to the Solid Fuels Administrator for War. Producers and wholesalers shall, on behalf of the Solid Fuels Administrator for War, keep and preserve for a period of not less than two years all written orders and confirmations of orders served upon them containing the statements required by this part. These orders and confirmations required to be kept by this regulation shall upon request, be submitted for inspection, copy, and audit by the duly authorized representatives of the Solid Fuels Administrator for War.

(b) The producer or wholesaler may rely upon any statement made by a purchaser pursuant to this regulation.

§ 602.180 *Damages for breach of contract.* No person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this regulation.

§ 602.181 *Violations.* Any person who violates any provision of this part or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who wilfully certifies false or misleading information to the Solid Fuels Administrator for War, or any person who obtains a delivery of bituminous coal by means of a wilfully false or misleading statement, may be prohibited from delivering or receiving any material under priority control. The Solid Fuels Administration for War may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. Sec. 80) or under the Second War Powers Act (Public No. 507, 77th Cong., March 27, 1942).

§ 602.182 *Application for modification and exception; inquiries and communications.* (a) It is recognized that the Stock Limitation Table in § 602.172 indicating the maximum percentages of bituminous coal consumption requirements that may be ordered and received by industrial consumers should be deviated from because of conditions peculiar to an individual plant (or railroad system). Any industrial consumer who desires to order and receive a greater percentage of his consumption requirements of coal for certain uses at a plant (or railroad system) may submit an original and two copies of an application in writing to the area distribution manager for the area from

which the consumer normally obtains coal for permission properly to order and receive delivery of coal at such plant (or railroad system) in amounts in excess of those permitted by the Stock Limitation Table in § 602.172. The application shall set forth all data including, among other matters, the inability of the consumer efficiently to draw coal from stocks at the plant (or railroad system); the specific hazards involved in the transportation of coal from mines to his plant (or railroad system); the distance of the plant (or railroad system) from sources of supply; and climatic or other conditions relied upon by the consumer in support of his application. The application shall clearly state whether and in what respect the consumer believes his situation with respect to coal differs from that of other consumers in the same or in different localities. The area distribution manager shall transmit one copy of such an application to the Bituminous Coal Producers Advisory Board for the district from which the consumer normally obtains coal. After consultation with the appropriate Advisory Board, the area distribution manager shall make appropriate recommendations to the Solid Fuels Administration concerning the action to be taken with respect to each application.

(b) Any application by any person, including a retail dealer, for modification of or exception from any provision of this regulation shall be filed in triplicate with the Washington Office of the Solid Fuels Administration for War. The application shall set forth, in detail, the provisions sought to be modified or from which an exception is sought, and the reasons and data in support of such modification or exception.

§ 602.183 *Approval by Bureau of the Budget.* The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 602.184 *Action under other regulations.* Nothing contained in this regulation shall be deemed to preclude the Solid Fuels Administrator for War from taking appropriate action under Solid Fuels Administration for War Regulation No. 1 or under any other regulation.

§ 602.185 *Revocation of Solid Fuels Administration for War Order No. 5, and partial revocation of Solid Fuels Administration for War Regulation No. 4 as Amended.* (a) Solid Fuels Administration for War Order No. 5 (§§ 602.71 to 602.77, inclusive) is hereby revoked as of the effective date of this regulation.

(b) Solid Fuels Administration for War Regulation No. 4, as amended (§§ 602.41 to 602.53, inclusive), is hereby revoked as of December 1, 1943, except that the obligations imposed by § 602.42, unless inconsistent with specific provisions of this regulation, will continue in effect until further action is taken by the Solid Fuels Administrator for War.

§ 602.186 *Effective date of this regulation.* This regulation shall become effective forthwith. No curtailment in

tonnage, orders and receipts of industrial consumers based upon their days' supply of coal is legally required by this regulation until December 1, 1943. However, voluntary arrangements by individual producers, wholesalers and industrial consumers for stockpile drawdown may and should be made forthwith.

Issued this 17th day of November 1943.

HAROLD L. ICKES,  
Solid Fuels Administrator for War.

APPENDIX A—LOCATIONS OF OFFICES OF AREA DISTRIBUTION MANAGERS

District, No. and Area Distribution Manager

1. Walter A. Jones, Post Office Building, 11th Avenue & 12th Street, Altoona, Pennsylvania.
2. Harry A. Sutter, 1512-23 Henry W. Oliver Building, Pittsburgh 22, Pennsylvania.
3. Frank C. Shriver, Monroe & Meredith Streets, Fairmont, West Virginia.
- 4 and 6. Howard Smith, 501 Bulkley Building, Cleveland, Ohio.
7. M. L. Burtless, Room 3341, Department of the Interior, Washington 25, D. C.
8. Wayne Ellis, 600 Transportation Building, Cincinnati, Ohio.
9. Harry Rightmire, Madisonville, Kentucky.
10. J. C. Fitzpatrick, 1161 Merchandise Mart Building, Chicago 54, Illinois.
11. William G. Stockton, Chamber of Commerce Building, 320 N. Meridian St., Indianapolis, Indiana.
13. Howard J. Thompson, 803 Comer Building, 2026 Second Avenue, North, Birmingham, Alabama.

[F. R. Doc. 43-18587; Filed, November 18, 1943; 11:09 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 227]

REPLACEMENT SCHEDULE CERTIFICATION; INDIVIDUAL CERTIFICATION

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 400, entitled "Replacement Schedule Certification," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

Addition of a new form designated as DSS Form 401, entitled "Individual Certification," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

NOVEMBER 18, 1943.

[F. R. Doc. 43-18614; Filed, November 18, 1943; 3:18 p. m.]

<sup>1</sup> Filed as part of the original document.

Chapter VII—Office of Economic Warfare,  
Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 120]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, SUPPLIES AND EQUIPMENT

Paragraph (b) of § 802.13 *Ship and plane stores, supplies and equipment* is hereby amended in the following particulars:

1. Subparagraph (1) is hereby amended to read as follows:

(1) A general license is hereby granted authorizing the exportation on vessels, other than those described in paragraph (a) of this section, of food stores for consumption on such vessels during the outgoing and any immediate scheduled return voyage: *Provided*, That:

(i) The total amount of said food stores does not exceed beyond 20 per cent, an amount equal to 6.25 pounds times the number of days of the voyage for every crew member and passenger carried by such vessels; plus a tolerance not to exceed .15 pounds per man per day, when, due to packaging, food stores cannot be split up; and

(ii) The total amount of any specific food item, class or group of food items does not exceed the amount set forth for said food item, class or group of food items in subparagraph (4) of this paragraph.

2. Subparagraph (4) is hereby amended to read as follows:

(4) *Item and allowance authorized per man per day*. Where a number preceded by an asterisk (\*) appears immediately after a food item, the weight of the particular food item shall be multiplied by said number to compute the total amount authorized for said item within the particular class or group.

Group 1: Meat, poultry, fish; all (not in excess of 1.00 pound).

Meat, poultry, fish, rationed: (not in excess of 0.80 pound).

Meat:

Fresh	-----	-----
Fresh boneless	-----	*1.2
Canned	-----	*1.2*
Dried	-----	*1.7
Live	-----	*0.55

Fish, canned ----- | ----- |

Poultry, canned ----- | ----- |

Other poultry and fish (not in excess of 1.00 pound).

Poultry, fresh ----- | ----- |

Poultry, live ----- | \*0.88 |

Fish, fresh and dried ----- | ----- |

Group 2: Dairy products, all (not in excess of 0.8 pound).

Cheese (not in excess of .12 pound) Milk and cream, canned weight.

Group 3: Fats, all (not in excess of 0.25 pound).

Butter (not in excess of 0.1 pound). Other fats.

Group 4: Eggs (not in excess of 0.25 pound) (9 eggs=1 pound).

Group 5: Sugar (not in excess of 0.25 pound).

Group 6: Vegetables and fruits, all (not in excess of 3.00 pounds).

Vegetables and fruits, processed (not in excess of 1.90 pounds).

Canned fruits and vegetables----- \*\*

Dried fruit----- \*4

Dehydrated vegetables (except potatoes)----- \*6

Other vegetables and fruits (not in excess of 3.00 pounds).

Dehydrated potatoes----- \*4

Dry beans, peas, and nuts (not in excess of .05 pound)----- \*\*

All other vegetables and fruits----- \*\*

Group 7: Grains and cereals, all (not in excess of 1.00 pound).

Group 8: Beverages, all (not in excess of 0.25 pound).

Coffee

Tea (not in excess of .04 pound)

Cocoa (not in excess of .01 pound)

Other beverages (not in excess of .15 pound)

Group 9: Other groceries (not in excess of 0.25 pound)

Jams

Jellies

Condiments

Pepper (not in excess of 1.4 oz. per man per 100 days)

Other spices

Group 10: Tobacco (not in excess of 4 oz.)

Cigarettes (2 packages)

or

Other tobacco (not in excess of 4 oz.)

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361; 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 13, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18639; Filed, November 19, 1943; 11:35 a. m.]

[Amdt. 121]

PART 802—GENERAL LICENSES

ADDITIONAL DESTINATIONS

Section 802.22 *General License G-SMPR* is hereby amended by adding to the countries named therein the following destinations:

Colombia.  
British Guiana.  
French Guiana.  
Surinam.  
Venezuela.  
French West Indies (including:  
  Desirade.  
  Guadeloupe.  
  Les Saintes.  
  Martinique.  
  Marie Galante.  
  St. Martin (northern part).  
  St. Bartholomew).

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081)

Dated: November 15, 1943.

C. VICTOR BARRY,  
Chief of Office,  
Office of Exports.

[F. R. Doc. 43-18640; Filed, November 19, 1943; 11:35 a. m.]

## Chapter IX—War Production Board

## Subchapter B—Executive Vice-Chairman

**AUTHORITY:** Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 912., 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

## PART 1239—CONSUMERS DURABLE GOODS

[Revocation of Limitation Order L-131-a]

## OFFICERS' MILITARY INSIGNIA

Section 1239.2 *Supplementary Limitation Order L-131-a* is hereby revoked, its subject matter being now covered by § 3291.301, Limitation Order L-131. This revocation shall not affect any penalties incurred or liabilities accrued under Order L-131-a.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-18625; Filed, November 19, 1943; 11:07 a. m.]

## PART 1281—RAYON STAPLE FIBRE

[Revocation of General Preference Order M-176]

Section 1281.1 *General Preference Order M-176* is hereby revoked. This action is not to be construed to affect in any way any liability or penalty accrued or incurred under General Preference Order M-176.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 43-18629; Filed, November 19, 1943; 11:07 a. m.]

## PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-241 as Amended Nov. 19, 1943]

## COMMERCIAL PRINTING

§ 3133.9 *Limitation Order L-241—*

(a) *The purpose of this order.* This order limits the amount of paper which a printer may use for commercial printing. This amount is called his quota. It is based upon the amount of paper which he used in 1941.

(b) *Printing which is not covered by this order.* (1) Certain types of printing are not covered by this order. When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into those items. Also, a printer may not use the quota which he gets under this order for printing any of those items.

(i) Newspapers (defined in Limitation Order L-240),

(ii) Magazines (defined in Limitation Order L-244),

(iii) Books (defined in Limitation Order L-245),

(iv) Greeting Cards and Illustrated Post Cards (defined in Limitation Order L-289),

(v) Displays (defined in Limitation Order L-294),

(vi) Wall Paper (defined in Limitation Order L-177),

(vii) Boxes (defined in Limitation Order L-239),

(viii) Converted products named in lists A, B, C, or D of General Conservation Order M-241-a,

(ix) Any other "converted products" defined in General Conservation Order M-241-a, except those which must be printed in order to serve the purpose for which they are made. For example, paper drinking cups or paper plates are among the items which are not covered by this order, even though they may contain some printing, because they are just as useful without that printing. On the other hand, items such as calendars or maps would be useless without printing. Therefore, such articles are included in this order and they should be counted when a printer determines, and uses, his quota.

(2) These rules apply to every printer; it makes no difference what kind of a plant he has. In other words, a printer may use practically all his paper for greeting cards or newspapers, or other items listed above, but any additional paper which he puts through his presses is limited by this order.

(c) *Printing which is not restricted.*

(1) Certain types of printing are so important that a printer is not limited in the amount of paper which he may use for such purposes. They are:

(i) Printing which is required by a Federal, State, County or Municipal law, ordinance or regulation.

(ii) Printing which is ordered and paid for by a department or agency of the United States, its territories or possessions, or any State, County or Municipality of the United States. Official Army or Navy newspapers or news sheets are included in this type of printing if (a) they are ordered by the officer in command of the Army or Navy establishment; (b) they contain no paid advertising; and (c) they are not owned, edited or operated by civilians but are run entirely by military personnel (although the printing may be done in commercial plants).

(2) When a printer adds up the weight of paper which he used in 1941, he may not count the paper which went into those items. Also, a printer may use an unlimited amount of paper for those items from now on.

(d) *Limits on the amount of paper which a printer may use.* In figuring out his quota for any calendar quarter a printer may choose between two different methods, depending on the needs of his particular plant:

(1) *First method.* (i) Add up the total pounds of paper used in 1941.

(ii) Subtract the pounds of paper used in 1941 for the items covered by other orders, as listed in paragraph (b) above.

(iii) Subtract the pounds of paper used in 1941 for the unrestricted items listed in paragraph (c) above.

(iv) Take 21¼ percent of the difference.

(v) This is the printer's quota for the calendar quarter. He may use that many

pounds of paper for any type of printing which is not covered by other orders, as listed in paragraph (b). Also, he may use any amount of paper in addition to his quota for the unrestricted items described in paragraph (c).

(2) *Second method.* (i) Add up the total pounds of paper used during the same calendar quarter of 1941.

(ii) Subtract the pounds of paper used during that quarter of 1941 for the items covered by other orders, as listed in paragraph (b).

(iii) Subtract the pounds of paper used during that quarter of 1941 for the unrestricted items listed in paragraph (c).

(iv) Take 85 percent of the difference.

(v) This is the printer's quota for the calendar quarter. He may use that many pounds of paper for any type of printing which is not covered by other orders, as listed in paragraph (b). Also, he may use any amount of paper in addition to his quota for the unrestricted items described in paragraph (c).

(3) *Yearly limit.* Even though quotas operate on a quarterly basis, there is a yearly limit on a printer's use of paper. During the year 1943 a printer may not use for the types of printing covered by this order more than 88¾ percent of the paper which he used for such printing in 1941. During the year 1944 and each year after that, a printer may not use for printing covered by this order more than 85 percent of the paper which he used for such printing in 1941. As long as he keeps within his yearly limit, he may use one of the two methods described above in one quarter and the other in another quarter.

(4) *Borrowing.* Because of seasonal differences, a printer may use, under either method, an extra 15 percent above his quota if he uses that much less during the next quarter. Also, if he uses less than he is allowed for one quarter, he may increase his use in later quarters by that amount.

(e) *Exceptions.* The requirement that a printer may use only a percentage of the paper which he used in 1941 does not apply, in any calendar quarter, to a printer whose gross sales in that quarter for the types of printing covered by this order are less than \$1,250. In addition, it does not apply, in any calendar quarter, to a printer who uses less than 1¼ tons of paper in that quarter for the types of printing covered by this order.

(f) *Prohibited and restricted uses of paper and paperboard.* The War Production Board may issue, from time to time, schedules which will prohibit the use of paper and paperboard in certain items and limit the use of paper and paperboard in other items.

(g) *Definitions and explanations.* (1) "Printer" means anyone who operates a printing plant. It does not mean a publisher or a person who orders printing.

(2) A printer may not use more than his quota for the types of printing covered by this order, even if the blank paper is supplied to him by some other person.

(3) The limits in this order on the amount of paper which may be used during any calendar quarter apply to the

quarter beginning October 1, 1943, and to each calendar quarter after that.

(4) Sometimes paper is put through a press more than once, either by the same printer or by different printers—for instance, when several colors are used or when the imprint of a particular distributor is added after part of the printing is done. For the purposes of this order the paper is deemed to be "used" when the first ink is applied to it. It makes no difference how many other applications of ink are put on the paper by the same or different printers.

(5) When a job is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the printer's quota for that quarter. The entire job may not be regarded as if it were started and finished in the same quarter.

(6) It sometimes happens that one printer does work for another printer, and there is a question as to which one should deduct the paper from his quota. Printer A may "farm out" certain work by purchasing "press time" from Printer B. This may be done, for example, where Printer A cannot fill an order for a customer, because he does not have available the right equipment, material, personnel, or facilities. In such a case, where the customer looks only to A for the finished product and where B acts merely as a sub-contractor, the paper may be charged against A's quota, even though B actually does the printing. This does not mean that A may assign his quota to B. The rules governing this subject are contained in Priorities Regulation 7-A.

(h) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(i) *Records which must be kept.* In order to assure compliance with this order, every printer must calculate, as accurately as he can, the weight of paper which he used during each quarter of 1941 for the items covered by this order. He must also keep accurate records of this type of information for each calendar quarter beginning with January 1, 1943. He must preserve these figures and his work sheets for inspection by War Production Board officials as long as this order remains in force and for two years after that.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control, and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-241.

Issued this 19th day of November 1943,

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE I

(a) *General Limitations.* (1) No person may manufacture or cause to be manufactured any of the items in List (A) of this schedule in a basis weight, thickness, area or weight per unit greater than the maximum specified for such use. The above restriction does not apply to paper or paperboard which had been manufactured prior to October 21, 1943, provided, the printing of such paper or paperboard is completed by December 15, 1943.

(2) During the fourth quarter of 1943, no person may cause to be consumed in the printing of any item in List (B) of this schedule more than 85%, by weight, of the paper or paperboard consumed in the printing of that item during the 4th quarter of 1941. During the year 1944, and each year after that, no person may cause to be consumed in the printing of any item in List (B) of this schedule more than 85%, by weight, of the paper or paperboard consumed in the printing of that item in 1941. It is not necessary for the weight of each copy to be reduced, as long as the total weight of paper consumed in the printing of all copies is reduced by the required amount.

#### LIST A

Art reproductions, without advertising—basis weight 25 x 38—120#.

Diaries, date books, desk calendar pads, and advertising memo pads 9" x 6" or smaller—basis weight 17 x 22—16#. Larger than 9" x 6" basis weight 17 x 22—20#.

Dodgers and handbills—basis weight 24 x 36—35#.

News letters and loose leaf services other than books (as defined in Order L-245)—basis weight 17 x 22—16# if printed on one side; basis weight 17 x 22—18# if printed on two sides.

Accounting records, books and forms—basis weight 17 x 22—32#.

Corporate securities, checks, domestic and foreign currency—basis weight 17 x 22—24#.

Notes, contracts, mortgages, wills, deeds and insurance policies—basis weight 17 x 22—20#.

Letterheads—basis weight 17 x 22—16#.

Card indexes and card records—basis weight 25½ x 30½—140#.

Time cards and tabulating cards—calliper .013 inches.

County record books—basis weight 17 x 22—36#.

Prospectuses for the sale of securities—basis weight 25 x 38—50#.

Legal briefs and records on appeal—basis weight 25 x 38—50#.

All other office, business, financial and legal forms, except blank books—basis weight 17 x 22—16#.

Road and street maps and guides for civilian use—basis weight 17 x 22—20#.

Telephone directories—body basis weight 24 x 36—28#; cover basis weight 22½ x 28½—110#.

Note: Schedules I, II and III to Order L-120 provide: "Paper may be manufactured in any basis weight or thickness permitted for a particular use by any subsequent order, provided the basis weight or thickness does not exceed the maximum specified by the

War Production Board for such use, and provided all other provisions of this or such subsequent order are fully complied with." Pursuant to this provision the manufacture of paper in the basis weights specified in this list for art reproductions, corporate securities, checks, domestic and foreign currency, and telephone directory covers is hereby permitted. All other basis weights specified in this list may be manufactured only in the grades in which they are permitted under the relevant schedules to Order L-120.

#### LIST B

Catalogues issued more frequently than once every four years.

Directories, except telephone directories and books (as defined in Order L-245).

Shopping and free distribution newspapers.

[F. R. Doc. 43-18623; Filed, November 19, 1943; 11:06 a. m.]

#### PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Amdt. 2]

#### PLASTIC PRODUCTS

Section 3175.5 *CMP Regulation No. 5* is amended by changing the item "II—Plastic products: moulding and laminating" to "I—Plastic products: moulding and laminating" in the schedule attached to the regulation.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18631; Filed, November 19, 1943; 11:06 a. m.]

#### PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 1 as Amended Nov. 19, 1943 to CMP Reg. 5]

#### HOW TO OBTAIN ALUMINUM PATTERN EQUIPMENT UNDER CMP

The following amended direction is issued pursuant to CMP Regulation 5:

(a) The word "patterns" as used in the following instructions means only match plates, patterns, core boxes, core driers, flasks and bottom boards made of aluminum. It does not include such items as jigs, fixtures, or forming blocks.

(b) Patterns (including finished aluminum patterns) are castings under CMP and hence controlled materials.

(c) When the purchaser of a pattern furnishes the pattern foundry with all the required weight of aluminum in the form of obsolete or defective patterns:

(1) No preference rating or CMP allotment symbol, number or certification is required on the order to the foundry or to the pattern maker;

(2) Any foundry may remelt aluminum scrap in the form of obsolete or defective patterns furnished by the prospective purchaser of the new pattern (and only such type of aluminum scrap) without prior authorization; and

(3) Wherever possible, old patterns should be used to make new patterns.

(d) When the purchaser of a pattern does not furnish all the aluminum, he may place an authorized controlled material order for aluminum patterns by affixing the symbol

MRO on his order and the certification set forth in CMP Regulation No. 7, executed as provided in that regulation, provided that his orders for patterns in any calendar quarter do not exceed by more than 600 pounds the amount of obsolete or defective aluminum patterns supplied by him during such quarter to a pattern foundry for use in making his patterns. In the event that a purchaser of aluminum patterns requires in any quarter more than 600 pounds of patterns in excess of the weight of those turned in by him in that quarter as provided in the previous sentence, he may apply for an allotment for the excess by letter to the Aluminum and Magnesium Division of the War Production Board, Washington 25, D. C. Ref: Patterns. Such letter must show:

(1) The weight of aluminum patterns applied for during the particular quarter (that is, the weight of aluminum required over and above (i) the weight of his obsolete or defective patterns available for remelting in the particular quarter or already turned in to his pattern foundry during the particular quarter for remelting into new patterns, plus (ii) 600 pounds which is available without specific authorization). For example, if the applicant requires 1,000 pounds of aluminum patterns for the third quarter of 1943 and intends to turn in 100 pounds of obsolete or defective aluminum patterns to his pattern foundry for remelting in that quarter, he should apply for 300 pounds, that is 1,000 pounds less the 100 pounds turned in and the 600 pounds available without specific authorization; and

(2) The weight of obsolete or defective aluminum patterns which will be or have been supplied by the applicant to the pattern foundry making his patterns during the quarter covered by the application, and why the applicant will be unable to turn in additional amounts of such old patterns.

(e) If the application is granted, the applicant will receive an allotment and may place an authorized controlled material order for the amount of aluminum patterns covered by the allotment by endorsing his purchase order with the symbol contained on the allotment and with a certification described in CMP Regulation No. 7, executed as provided in that regulation.

(f) Pattern manufacturers are hereby authorized to use the MRO symbol endorsed on their customers' orders to obtain aluminum pattern castings. Pattern manufacturers are not required to apply for an allotment of aluminum notwithstanding anything to the contrary in any CMP regulation.

(g) Pattern purchasers and pattern manufacturers, when using the MRO symbol to obtain aluminum patterns, are not subject to the poundage limitation provided in paragraph (c) (2) of CMP Regulation No. 5 relating to purchases of aluminum. Foundries fill only authorized controlled material orders for aluminum patterns (except as provided in paragraph (c) above,) which they may recognize by the symbol MRO and the certification described in CMP Regulation No. 7.

(h) The foregoing direction also applies to a company which makes its own aluminum patterns. Except as provided in paragraph (c) above, every such company places authorized controlled material orders on its own pattern foundry so that the foundry may make delivery of the patterns.

(i) Nothing in this direction shall be construed to relieve any person from complying with the provisions of paragraphs (c) (4) (v) and (e) (1) of Supplementary Order M-1-I. Pattern foundries, and not the purchaser or user, must file Forms CMP-19 and CMP-24 monthly.

(j) This direction supersedes the instructions relating to acquisition of aluminum for

the manufacture of patterns set forth in COMPL-198, dated April 13, 1943.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18627; Filed, November 19, 1943;  
11:07 a. m.]

PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[Revocation of Interpretation 4 to CMP  
Reg. 5]

CONTAINERS

This interpretation has been superseded by Direction No. 3 to Priorities Regulation No. 3, issued November 13, 1943.  
Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18628; Filed, November 19, 1943;  
11:07 a. m.]

PART 3191—AIRCRAFT

[General Scheduling Order M-360]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of certain components for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3191.31 *General Scheduling Order M-360*—(a) *Definitions*. For the purpose of this order:

(1) "Aircraft component" means any component, part or sub-assembly to be physically incorporated into heavier than air or lighter than air aircraft.

(2) "Supplier" means any person, to the extent that he makes aircraft components which have been assigned to the Aircraft Resources Control Office by the Office of Product Assignments of the War Production Board.

(b) *Administrative Authority*. This order shall be administered by the Aircraft Scheduling Unit acting for and under the direction of the Aircraft Resources Control Office on behalf of the War Production Board.

(c) *Report of requirements and procurements*. Any purchaser of an aircraft component must, when so instructed by the Aircraft Scheduling Unit, file with the Aircraft Scheduling Unit a report on Form WPB-3362, in accordance with the accompanying instructions. The report must give the information called for about requirement and procurement schedules for each aircraft component. The Aircraft Scheduling Unit will adjust these schedules to put them in balance with the requirements of the aircraft program and will send Form WPB-3362 as adjusted to each supplier on whom orders have been placed by the purchaser.

(d) *Supplier's shipping schedules*.

(1) Each supplier, upon receiving Form WPB-3362, must indicate on it his

schedule of shipment against the stated requirements shown and must file a copy of it as his proposed shipping schedule with the Aircraft Scheduling Unit, in accordance with the accompanying instructions.

(2) When filed by the supplier, the shipping schedule automatically becomes a "Frozen Schedule" within the meaning of Priorities Regulation 18 for the number of months stated in the instructions accompanying the form, and the supplier must schedule his production and make his shipments so as to fill it without regard to preference ratings or directions from any government agencies, except that it may be amended by the Aircraft Scheduling Unit (acting for the War Production Board) as explained in Priorities Regulation 18, or under paragraph (e) of this order.

(3) If a supplier is unable to fulfill on time a frozen schedule for any aircraft component, he must make shipments, as far as practicable, in the sequence required by the schedule. In any case where the scheduled dates of shipments will be affected by a delay in or acceleration of production which, in the opinion of the supplier, is appreciable, he must notify the Aircraft Scheduling Unit of the reason for the delay or acceleration and the revised dates on which he expects to be able to make shipments under each purchase order affected. The supplier shall notify the Aircraft Scheduling Unit by either letter or telegram, at his option. With respect to any purchase orders

(e) *Other scheduling provisions*. Scheduled under paragraph (d) above, the Aircraft Scheduling Unit may, notwithstanding any other order, preference rating, directive, rule, or regulation of the War Production Board, or any other government agency:

(1) Direct the return or cancellation of any order on the books of a supplier.

(2) Direct changes in the shipping schedule of a supplier.

(3) Cancel orders placed with one supplier and direct that they be placed with another supplier.

(4) Take such other action as it deems necessary with respect to the placing of orders for, or the shipment of, aircraft components.

(f) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from, and stating fully the grounds of the appeal.

(g) *Reports and communications*. All reports and forms required by this order and all appeals should be addressed to the Aircraft Scheduling Unit, Dayton, Ohio, Ref: M-360. All reports and forms have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Application of other orders and regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as explained in paragraph (e).

(i) *Violations*. Any person who willfully violates any provision of this order,

or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing, or using material under priority control, and may be deprived of priorities assistance.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18624; Filed, November 19, 1943;  
11:06 a. m.]

PART 3290—TEXTILE, CLOTHING AND  
LEATHER<sup>1</sup>

[General Conservation Order M-73, as  
Amended Nov. 19, 1943]<sup>2</sup>

WOOL

§ 3290.286<sup>1</sup> *Conservation Order M-73—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora goat (mohair) or the Cashmere goat, camel, alpaca, llama, vicuna, and related fibers, including carpet wool, but does not include noils, waste, tanners' wool waste, reprocessed or reused wool, or yarn or cloth;

(2) "Waste" means the by-product resulting from carding, combing, spinning and subsequent operations on any system, but does not include the by-product resulting from scouring and carbonizing operations;

(3) "Put into process" means:

(i) On the worsted system, the first operation of drawing after combing;

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding, as the case may be;

(iii) On the woolen, felt, or any other system not using tops, the first operation after scouring, carbonizing, dusting or similar cleaning or preparatory process;

(4) [Deleted Nov. 19, 1943]

(c) *Restrictions.* (1) No person shall put into process any wool other than carpet wool or mohair for the manufacture of any floor covering.

(2) No person shall put into process or use any alpaca or tops therefrom (except alpaca seconds, llama, huarizo, pieces, low offsorts or locks), except for

the manufacture of yarns or cloth to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(d) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(e) *General exceptions.* The restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(f) *Equitable distribution.* It is the policy of the War Production Board that wool, noils, waste, tanners' wool waste, and reprocessed or reused wool, and yarns, cloth, felts and products containing any of the foregoing, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard shall be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control

and may be deprived of priorities assistance.

(i) *Reports.* Every person classified below shall, within the period specified in the reporting form, file with the War Production Board, or the Bureau of the Census, whichever is specified in the form, each form applicable to him, giving the information required, as follows:

Who shall file:	Form Number
1. A person in the business of putting into process wool or wool tops, or who has wool or wool tops put into process by another for his account.	WPB-2857 (formerly PD-274).
2. A person in the business of operating woolen, worsted or felting machinery.	WPB-2857, WPB-1420.
3. An owner, or a consignee from a grower, of wool, noils, waste, tanners' wool waste, reprocessed or reused wool.	WPB-295, WPB-370.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-73.

Note: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18622; Filed, November 19, 1943;  
11:06 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Schedule III as Amended Nov. 19, 1943 to  
Limitation Order L-152]

BABY CARRIAGES

§ 3291.288 *Schedule III to Limitation Order L-152.* Pursuant to paragraph (b) (3) of Limitation Order L-152, the following production quotas for carriages are hereby established for the fourth quarter of 1943:

(a) *Group I and Group II carriages.* Each manufacturer named below is authorized to produce during the period from October 1 to December 31, 1943, the number of Group I and Group II carriages set forth opposite his name.

<sup>1</sup> Formerly Part 1055, § 1055.1.

<sup>2</sup> Paragraphs (c), (d), (e), (f) formerly paragraphs (j), (l), (n), (m); paragraphs (g) through (j) formerly paragraphs (o) through (r); former paragraphs (c), (d) (e), (f), (g), (h), (l), (k) deleted.

	Number of carriages		
	Group I		Group II
	Maximum steel 6 pounds	Maximum step 9 pounds	
Atlas Baby Carriage Co., New York, N. Y.		3,500	
Baby Jeep Co., Winston-Salem, N. C.	10,000		
Bilt-Rite Baby Carriage Co., Brooklyn, N. Y.		6,000	120
Collier-Keyworth Co., Gardner, Mass.		8,500	
George Cooper Mfg. Co., New York, N. Y.		2,000	
Custom-Bilt Mfg. Co., Gardner, Mass.	3,000		
Hartman Mfg. Co., St. Louis, Mo.		6,400	
C. H. Hartshorn Co., Gardner, Mass.		4,500	
Hedstrom-Union Co., Gardner, Mass.		21,000	200
Heywood-Wakefield Co., Mass.	35,000		
Kroll Bros. Co., Chicago, Ill.		10,000	
Kuniholm Mfg. Co., Gardner, Mass.		27,000	
Leader Baby Carriage Co., New York, N. Y.		1,000	
Mahr-Button Co., Minneapolis, Minn.	8,000		
Packard Mfg. Co., St. Louis, Mo.		30,000	
Pearl Mfg. Co., New York, N. Y.		1,500	
Perfection Mfg. Co., St. Louis, Mo.		7,500	200
L. B. Ramsdell Co., Gardner, Mass.	1,000		
Rex Baby Carriage Co., New York, N. Y.		1,000	
O. W. Siebert Co., Gardner, Mass.		48,000	
South Bend Toy Co., South Bend, Ind.	5,000		
Storkline Furniture Corp., Chicago, Ill.		15,000	
Thayer Co., Gardner, Mass.		28,000	400
Wear-Ever Carriage Co., New York, N. Y.		4,000	
The Welsh Co., St. Louis, Mo.		68,000	
F. A. Whitney Co., Leominster, Mass.	15,000	10,000	100

(b) *Group III carriages.* Each manufacturer named below is authorized to produce during the period from October 1 to December 31, 1943, the number of Group III carriages set forth opposite his name.

Name	No. of Group III Carriages
Adler Mfg. Co., Louisville Ky.	44,000
Allied Cabinet Corp., Chicago, Ill.	15,000
Belger Showcase & Fixture Co., Los Angeles, Calif.	8,000
George Cooper Mfg. Co., New York, N. Y.	2,047
Garton Toy Co., Sheboygan, Wis.	15,000
C. H. Hartshorn Co., Gardner, Mass.	2,500
Hedstrom-Union Co., Gardner, Mass.	4,200
Kaywood Corporation, Benton Harbor, Mich.	5,200
Kuniholm Mfg. Co., Gardner, Mass.	7,927
Paris Mfg. Co., South Paris, Maine.	10,000
Parkholme Display Co., Chicago, Ill.	6,000
Perfection Mfg. Co., St. Louis, Mo.	10,000
S & E Mfg. Co., Fitchburg, Mass.	2,000
Shuler Radiant Co., Cleveland Ohio.	40,118
Tam-Tot Mart, Washington, D. C.	309
Frank F. Taylor Co., Cincinnati Ohio.	66,022
Thayer Co., Gardner, Mass.	20,000
Valley City Furniture Co., Grand Rapids, Mich.	2,980
Winchendon Furniture Corp., Winchendon, Mass.	10,000

Issued this 19th day of November 1943.  
 WAR PRODUCTION BOARD,  
 By J. JOSEPH WHELAN,  
 Recording Secretary.  
 [F. R. Doc. 43-18626; Filed, November 19, 1943;  
 11:07 a. m.]

PART 3293—CHEMICALS  
 [Allocation Order M-243, as Amended Nov. 19, 1943]

ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

§ 3293.331<sup>1</sup> Allocation Order M-243—  
 (a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride) of any grade and from whatever source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) produced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as such.

(7) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person unless specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof, except, however, that any supplier may resell without authorization of War Production Board, a total amount not to exceed 54 gallons of each of the foregoing chemicals (acetic anhydride, acetic acid [100% base] or acetaldehyde) in any calendar month.

(2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals,

acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.

(3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54 gallons.

(c) *Restrictions on use.* (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.

(2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.

(d) *General and special instructions of War Production Board.* (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of acetic anhydride, acetic acid or acetaldehyde.

(ii) Production of acetic anhydride, acetic acid or acetaldehyde.

(2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD-600) and WPB 2947 (formerly PD-602) provided for in the paragraphs (e) and (f).

(e) *Applications by suppliers for authorization to deliver.* (1) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD-600) respecting a delivery in such month, shall file application on or before the 20th of

<sup>1</sup> Formerly Part 3099, § 3099.1.

the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Applications and use certificates to be filed by prospective purchasers.*

(1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form WPB 2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Approval of reporting requirements.* Forms WPB 2945 and WPB 2947 (formerly PD-600 and PD-602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M-243, issued October 20, 1942 shall continue in effect until so superseded.

Issued this 19th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.

(3) *Separate set of forms for each chemical.* Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD-602) for each.

(4) *Information at top of form.* In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under "WPB Order No.", specify "M-243"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds", except in the case of acetic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) *Grade (percent) of acetic acid.* In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

(6) *Listing of customers.* In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has

been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) *Primary product and end use.* In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-a, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945."

(8) *Small orders.* It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals; acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) *Table II.* Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) *Recovered acetic acid.* In the case of recovered acetic acid show such acid separately from other acetic acid in Table II. If necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to

use, no copy should be sent to a producer or distributor.

(3) *Separate set of forms for each chemical.* A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(4) *Material.* In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the case may be; under "WPB Order No.", specify "M-243"; under "Unit of measure", specify "Pounds"; except in the case of acetic acid, where specify "Pounds of 100% acetic acid".

(5) *Month and year.* In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) *Grade (percent) of acetic acid.* Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

(7) *Quantities.* In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) *Primary product.* In Column 3, applicant must specify in terms of the following the product or products in the manufacture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

- Aspirin.
- Cellulose acetate.
- Cellulose acetate butyrate.
- Cellulose acetate propionate.
- Explosives.
- Synthetic casein fibre.
- Synthetic vitamins.
- Triacetin.
- Other primary products (specify).
- Resale (as acetic anhydride).
- Export (as acetic anhydride).
- Inventory (as acetic anhydride).

(For acetic acid)

- Acetic anhydride.
- Drugs and pharmaceuticals.
- Dyestuffs.
- Amyl acetate.
- Butyl acetate.
- Ethyl acetate.
- Isopropyl acetate.
- Photographic products.
- Sodium acetate.
- Vinyl acetate.
- Other primary products (specify).
- Resale (as acetic acid).
- Export (as acetic acid).
- Inventory (as acetic acid).

(For acetaldehyde)

- Acetic acid.
- Butadiene.
- Pentaerythritol.
- Other primary products (specify).
- Resale (as acetaldehyde).
- Export (as acetaldehyde).
- Inventory (as acetaldehyde).

(9) *End use.* In Column 4 (except in the case of acetaldehyde), applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate propionate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and isopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol.

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Lease requisition or contract numbers when available:

- Dyestuffs.
- Explosives.
- Leather tanning and processing.
- Mordant.
- Paint pigment.
- Photographic film.
- Other film (specify).
- Plastics.
- Rubber accelerators.
- Solvents.
- Surface coatings.
- Synthetic resins (specify type and state end use if not under allocation).
- Textile bleaching.
- Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export license number, unless Lend-Lease, in which case merely specify the Lend-Lease requisition or contract number.

Opposite "Resale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

In the case of acetaldehyde, show primary products to be manufactured but do not specify end use to which such primary products will be put.

(10) *Tables II, III and IV.* Fill out Tables II, III and IV completely.

(11) *Table V.* In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the \_\_\_\_\_ [specify whether acetic anhydride, acetic acid or acetaldehyde] ordered for delivery in \_\_\_\_\_, 194\_\_\_\_, will be used

by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Pounds	Primary product	End use <sup>1</sup>
(A)	-----	-----	-----
(B)	-----	-----	-----

Name of Purchaser

By \_\_\_\_\_  
Date \_\_\_\_\_ Duly Authorized Official Title

<sup>1</sup>For acetaldehyde, see (5) below.

Instructions for customer's certificate

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.

(4) Under "End use" (except as provided in paragraph (5)) purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for resale as such will leave blank the "End use" column.

(5) Purchasers ordering acetaldehyde will leave blank the column headed "End use".

[F. R. Doc. 43-16630; Filed, November 19, 1943; 11:07 a. m.]

Chapter XI—Office of Price Administration  
PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[R.O. 5C; Amdt. 24]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 5C is amended in the following respects:

1. The preamble to Ration Order 5C is amended to read as follows:

Pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1Q issued November 6, 1942, it is hereby ordered that:

2. Section 1394.7602 (a) (1) is amended to read as follows:

(1) The issuance of basic rations;

3. Section 1394.7851 (c) (4) is amended to read as follows:

(4) If application is made pursuant to paragraph (b) (1) (i) or paragraph (b) (2) (i), (ii), (iii) or (vi) or for use with a motorboat pursuant to paragraph (b) (5) (i), or (ii) of this section, the alternative means of transportation which are available and the reasons, if any, why such alternative means are not reasonably adequate for the purpose.

4. Section 1394.7854 (b) is amended by deleting the sixth sentence beginning with the words "On or before October 15, 1943".

5. Section 1394.7902 (b) is amended by deleting the phrase "in the limitation area or in the States specified in paragraph (b) of § 1394.7804".

6. Section 1394.7952 (a) is amended by deleting the last sentence.

7. Section 1394.7952 (c) is revoked.

8. Section 1394.8053 (b) is amended to read as follows:

(b) Such application shall be made in the same manner as the application for the current ration. It may be granted only if such current ration is a supplemental ration based on an allowed

\*Copies may be obtained from the Office of Price Administration.  
17 F.R. 9135.

mileage in excess of 480 miles per month in Area A or Area B, or 320 miles per month in the gasoline shortage area.

9. Section 1394.8053 (e) is revoked.

10. Section 1394.8154 (b) is revoked.

11. Section 1394.8154 (c) is redesignated § 1394.8154 (b).

12. Section 1394.8163 is amended by deleting the words "in the limitation area, or in the States set forth in § 1394.7904 (b)".

13. Section 1394.8168 is amended by deleting the phrase "in the limitation area or in the State set forth in § 1394.7904 (b)".

14. Section 1394.8183 (a) (1) is amended by deleting the words "or boat".

15. Section 1394.8183 (a) (2) is amended by deleting the words "or boat".

16. Section 1394.8206d is amended to read as follows:

§ 1394.8206d *Termination of temporary banking plan.* Sections 1394.8326 through 1394.8338, inclusive (Temporary ration banking plan), are revoked as of 12:01 a. m., February 9, 1943.

17. Section 1394.8325 is revoked.

18. Section 1394.8340 is revoked.

This amendment shall become effective November 18, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18601; Filed, November 18, 1943; 3:11 p. m.]

#### PART 1404.—RATIONING OF FOOTWEAR

[RO 17,<sup>1</sup> Amdt. 45]

##### SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order 17 is amended in the following respects:

1. Section 2.20 is revoked.

2. Section 3.7 is amended to read as follows:

Sec. 3.7 *Closing and transfer of businesses and institutions.*—(a) *Closing of establishments.* Whenever an establishment is closed, the owner or his representative shall report that fact to the District Office within five days and furnish a statement of the amount of ration currency, if any, owed to or by the establishment, with the name and address of each person or establishment to or from whom the ration currency is due. He shall also surrender to the District Office, with the report, all ration

currency on hand, including a certified ration check drawn to the account of the Office of Price Administration for the net balance of its shoe ration bank account. Any ration currency owed to the establishment by another shall thereafter be deemed to be owed to the District Office. However, the District Office may require the owner of the establishment to collect all ration currency owed to it and pay all ration currency it owes to other persons or establishments.

(b) *Transfer of establishments.* When substantially all the stock of shoes of an establishment is to be transferred to another person or establishment (other than by operation of law or judicial process) the parties shall notify the District Office, in advance, of the details of the proposed transfer; and the person or establishment acquiring the shoes must pay ration currency to the District Office for all rationed shoes to be acquired. (Sections 2.16 and 2.17 permit a new or existing establishment to get ration currency to acquire a stock of shoes.) However, if the shoes are acquired by a person who will operate the business, or liquidate it, at the same location, the District Office may waive the payment of ration currency, and may also permit him to get the establishment's ration currency, instead of issuing him a shoe purchase allowance as a new establishment under Sec. 2.16. In such a case the new owner shall file an inventory for the business as a new establishment and open an account, or obtain a registration number if he is not eligible for an account. A person making a transfer under this paragraph and ceasing to deal in rationed shoes at the same location shall comply with the provisions of the preceding paragraph.

(c) *Moving of establishment.* If a person moves his establishment to a new location, that moving is treated as a transfer subject to the previous paragraph, except where both the old and the new locations are in the same District Office area and the establishment is not merged or consolidated with another establishment. In the latter case the owner of the establishment must notify the District Office of the new address, within five days after the establishment is moved.

(d) *Transfer of institutions and businesses.* Any person who buys (or otherwise acquires) substantially all the assets of an institution or business, other than an establishment, may acquire any shoes included among the assets without giving up ration currency. He may furnish the shoes to the students or residents of the institution, or to the employees of the business, as the case may be, if he keeps title to them. If any rationed shoes so acquired are transferred in any other manner, ration currency must first be obtained, and such ration currency must be surrendered to the District Office within five days.

(e) *Closing of institutions or businesses.* If an institution or business, other than an establishment, is closed it may transfer ration-free any shoes which have been worn. It may transfer new shoes if it gets ration currency.

The currency received must be surrendered to the District Office within five days.

This amendment shall become effective November 23, 1943.

NOTE: The record keeping requirements and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-1, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18602; Filed, November 18, 1943; 3:11 p. m.]

#### PART 1407.—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,<sup>1</sup> Amdt. 24 to Supp. 1]

##### MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended by adding the following validity dates for brown stamps:

Q..... December 19, 1943 to January 1, 1944  
R..... December 26, 1943 to January 20, 1944  
S..... January 2, 1944 to January 20, 1944  
T..... January 9, 1944 to January 20, 1944  
U..... January 16, 1944 to January 20, 1944

This amendment shall become effective November 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 720, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 18th day of November 1943,

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18603; Filed, November 18, 1943; 3:12 p. m.]

#### PART 1425.—LUMBER DISTRIBUTION

[MPR 467,<sup>1</sup> Incl. Amdt. 1]

##### DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

Section 2 (a), Tables 1 and 2 of 4 (c) and Table 4 of 6 (a) amended by Amendment 1, effective November 24, 1943, so that Maximum Price Regulation 467 shall read as follows:

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A

<sup>1</sup> 8 F.R. 3691, 3714, 4892, 5408, 5758, 6840, 7264, 7492, 8869, 9203, 10090, 10728, 11688, 12200, 12444, 12549.

<sup>2</sup> 8 F.R. 12661.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7261, 8060, 8357, 8601, 9062, 9423, 9567, 9884, 10269, 11445, 11515, 12026, 12137, 12180, 12547, 12548, 12515, 13128.

statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.<sup>2</sup> Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1425.17 *Maximum prices for distribution yard sales of hardwood lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 467 (Distribution Yard Sales of Hardwood Lumber), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1425.17, issued under 56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 467—DISTRIBUTION YARD SALES OF HARDWOOD LUMBER

CONTENTS

Sec.

1. Distribution yard sales of hardwood lumber at higher than maximum prices prohibited.
2. To what products and persons this regulation applies.
3. To what transactions this regulation applies.
4. Maximum prices, f. o. b. yard, for rough air dried lumber in standard or near standard grades.
5. Additions for special widths and lengths (other than exact widths and lengths).
6. Additions for kiln dried lumber and for workings.
7. Maximum prices, f. o. b. yard, for lumber in special grades or items, or with special services.
8. Maximum prices for hardwood dunnage.
9. Additions for delivery.
10. Invoicing requirements.
11. Prohibited practices.
12. Records and reports.
13. Applications for adjustment and petitions for amendment.
14. Enforcement and licensing.
15. Relation to other regulations.

SECTION 1. *Distribution yard sales of hardwood lumber at higher than maximum prices prohibited.* (a) On and after September 20, 1943, regardless of any contract or obligation, no person shall make a distribution yard sale of hardwood lumber, and no person shall buy or receive in the course of trade or business, hardwood lumber under a distribution yard sale, at prices higher than the maximum prices fixed by this regulation; and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

(c) This regulation does not apply to lumber which has been received before September 20, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to the buyer in a distribution yard sale.

Sec. 2. *To what products and persons this regulation applies—(a) Products*

*covered.* This regulation covers, under the term "hardwood lumber" all grades and items, excepting construction boards, of hardwood lumber covered by the following "direct mill" hardwood lumber maximum price regulations, or any revisions or amendments of these regulations which may be issued:

Revised Maximum Price Regulation No. 97—Southern Hardwood Lumber.<sup>3</sup>

Maximum Price Regulation No. 146—Appalachian Hardwood Lumber.<sup>4</sup>

Maximum Price Regulation No. 165—Central Hardwood Lumber.<sup>5</sup>

Maximum Price Regulation No. 223—Northern Hardwood Lumber.<sup>6</sup>

Maximum Price Regulation No. 303—North-eastern Hardwood Lumber.<sup>7</sup>

Maximum Price Regulation No. 412—Tide-water Red Cypress Lumber, Tables 1, 3, 5 and 9.<sup>8</sup>

Maximum Price Regulation No. 454—Aromatic Red Cedar Lumber.<sup>9</sup>

The grade terms used in this regulation are those required by the applicable rules under each specific regulation.

In figuring footage, all lumber 1 inch or thicker is to be figured on board footage, and all lumber less than 1 inch thick is to be figured on surface measure.

[Paragraph (a) as amended by Am. 1, effective 11-24-43]

(b) *Persons covered.* Any person who makes the kind of sale or purchase covered by this regulation is subject to the regulation. The term person includes an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

Sec. 3. *To what transactions this regulation applies—(a) In general.* This regulation covers, under the term "distribution yard sale", all sales of hardwood lumber which are not sales "for direct mill shipment" or in which shipment does not "originate at a mill", as those phrases are defined in the maximum price regulation which deals with direct mill shipments of the kind of lumber involved.

(b) *Option to remain under the General Maximum Price Regulation—(1) Which yards have the option.* Any yard which in 1942 received less than 25 percent, by dollar volume, of its yard stock of hardwood lumber from mills or concentration yards (rather than other dis-

tribution yards) may elect to have all of its yard sales of hardwood lumber (as defined in this regulation) remain subject to the General Maximum Price Regulation.<sup>10</sup> This Maximum Price Regulation No. 467 does not apply to sales of lumber out of the stocks of such a yard after it has elected to remain under the General Maximum Price Regulation.

(2) *How the option can be exercised.* A yard can elect to have all of its yard sales of hardwood lumber remain subject to the General Maximum Price Regulation by doing the following two things:

(i) Writing a letter to the Lumber Branch, Office of Price Administration, Washington, D. C., stating that in 1942 it received less than 25 percent, by dollar volume, of its yard stock of hardwood lumber from mills or concentration yards, and that it elects to have all of its yard sales of hardwood lumber remain subject to the General Maximum Price Regulation.

(ii) Posting at the yard a notice, easily visible to the buying public, stating: "Sales of hardwood lumber out of the stock of this yard are subject to the General Maximum Price Regulation."

Sec. 4. *Maximum prices, f. o. b. yard, for rough air dried lumber in standard or near standard grades—(a) Application.* This section provides the method for determining the maximum f. o. b. yard prices for distribution yard sales of rough air dried hardwood lumber in standard or near standard grades. The maximum price is built up as provided below.

(b) *How to "build up" the maximum price.* The maximum price per 1000 feet of rough air dried lumber (excepting dunnage—see Section 3) is the sum of the following items, evened out to the nearest \$2.50 per 1000 feet:

*Item I.* The basic yard price—figured according to paragraph (c) below ("How to figure the basic yard price").

*Item II.* A handling charge as follows: \$15.00 on all items up to, but not including, 10/4" in thickness.

\$25.00 on all items 10/4" or greater in thickness.

*Item III.* A mark-up on the sum of items I and II of:

30 percent on sales of 1000 feet or less  
20 percent on sales of over 1000 feet and up to 5000 feet inclusive.

15 percent on sales of over 5000 feet and up to 18,000 feet inclusive

10 percent on all sales of over 18,000 feet (In all cases, the size of the sale is determined by the size of the purchaser's order).

(c) *How to figure the basic yard price.* The basic yard price is the sum of the maximum f. o. b. mill price for straight carloads of rough air dried lumber in the standard or near standard grades and species being sold (random widths and lengths), as established in the applicable base mill hardwood lumber regulation, plus an inbound freight allowance computed from the applicable basing point. The applicable base mill hardwood lumber regulation and the applicable basing point shall be determined from Table

<sup>10</sup>F.R. 3036, 3849, 4247, 4485, 4724, 4978, 4848, 6047, 6362, 8511, 9025, 9331, 11955.

<sup>2</sup>Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

<sup>3</sup>8 F.R. 142, 3530, 5177, 5479, 8860, 10762, 11161, 11630, 13728.

<sup>4</sup>7 F.R. 3776, 4179, 4852, 5520, 6053, 6398, 7600, 7747, 8198, 8350, 8384, 8948; 8 F.R. 3056, 5479, 9998, 14984.

<sup>5</sup>7 F.R. 4108, 4231, 7202, 7780, 8385, 8948; 8 F.R. 3056, 3848, 5479, 8417, 13007.

<sup>6</sup>7 F.R. 7445, 8945; 8 F.R. 121, 2783, 5480, 5629, 8945, 10939, 14138, 15183.

<sup>7</sup>8 F.R. 4968, 8541, 10000.

<sup>8</sup>8 F.R. 8712, 12408.

<sup>9</sup>8 F.R. 11482.

1. below. This table sets up for yards in each state, and under separate headings for the various hardwood species, the applicable base mill hardwood lumber regulation to be used in computing the f. o. b. mill price for the particular species, and the applicable basing point to be used in computing the inbound freight allowance. It should be noted that in all cases, including Canadian imports,

the base mill hardwood lumber regulation and the freight basing points, as provided in Table 1, shall apply, regardless of the regulation which actually governed the sale to the yard of the particular lumber, and the actual point from which the lumber was shipped.

The inbound freight allowance is to be computed by multiplying the carload freight rate from the applicable basing point to the selling yard by the estimated weight for lumber in the species being sold, as shown in the "Schedule of Estimated Weights" set forth in Table 2, before computing the inbound freight allowance, the transportation tax shall be considered as part of the freight.

For example, on a sale of birch by a yard located in Hartford, Connecticut, the yard shall calculate the basic f. o. b. mill price under Maximum Price Regulation 368—Northeastern Hardwood Lumber, for each grade and thickness, and add a freight allowance computed by multiplying the carload freight rate including transportation tax from Conifer, New York (the applicable basing point) to Hartford, Connecticut, by the estimated weights for birch set forth in Table 2.

TABLE 1

Sales from yards in	Tough ash <sup>1</sup>		Soft ash		Basswood		Beech		Birch		Buckeye, butternut, cherry and chestnut	
	M.P.R.	Basing point	M.P.R.	Basing point	M.P.R.	Basing point	M.P.R.	Basing point	M.P.R.	Basing point	M.P.R.	Basing point
Alabama.....	97	New Orleans, La.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	223	Wausau, Wis.	146	Charleston, W. Va.
Arizona.....	97	New Orleans, La.	97	Alexandria, La.	155-SO	Jackson, Tenn.	155-SO	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Arkansas.....	97	Memphis, Tenn.	97	Alexandria, La.	155-SO	Jackson, Tenn.	155-SO	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
California.....	97	Memphis, Tenn.	97	Montgomery, Ala.	155-SO	Jackson, Tenn.	155-SO	Jackson, Tenn.	223	Wausau, Wis.	146	Rainelle, W. Va.
Colorado.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Connecticut.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
District of Columbia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Florida.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Georgia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Idaho.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Illinois.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Indiana.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Iowa.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Kansas.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Kentucky.....	97	Memphis, Tenn.	165-SO	Jackson, Tenn.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Louisiana.....	97	New Orleans, La.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Maine.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Maryland.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Massachusetts.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Michigan.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Minnesota.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Mississippi.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Missouri.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Montana.....	97	Memphis, Tenn.	155-SO	Jackson, Tenn.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Nebraska.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Nevada.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
New Hampshire.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
New Jersey.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
New Mexico.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
New York.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
North Carolina.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
North Dakota.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Ohio.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Oklahoma.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Oregon.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Pennsylvania.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Rhode Island.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
South Carolina.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
South Dakota.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Tennessee.....	97	Memphis, Tenn.	155-SO	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Texas.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Utah.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Vermont.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Virginia.....	97	Savannah, Ga.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Washington.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
West Virginia.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Wisconsin.....	97	Memphis, Tenn.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.
Wyoming.....	97	Memphis, Tenn.	97	Alexandria, La.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	368	Conifer, N. Y.	146	Rainelle, W. Va.

<sup>1</sup>The additions to the f. o. b. mill price, permitted "Tough Ash specialty establishments," in R.M.P.R. No. 97, may be included when applying the f. o. b. mill price for this species.

TABLE 1—Continued

Sales from yards in	Cedar, Aromatic Red		Cypress, Tidewater Red Tables 1, 3, 5, and 9		Rock Elm, Brown Ash		Soft Elm		Red Black and Sap Gum and Cottonwood		Hackberry	
	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point
Alabama.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.
Arizona.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
Arkansas.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Alexandria, La.	97	Alexandria, La.	97	Alexandria, La.
California.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Colorado.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Connecticut.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Conifer, N. Y.	97	Conifer, N. Y.	97	Conifer, N. Y.
District of Columbia.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Conifer, N. Y.	97	Conifer, N. Y.	97	Conifer, N. Y.
Florida.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Conifer, N. Y.	97	Conifer, N. Y.	97	Conifer, N. Y.
Georgia.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Conifer, N. Y.	97	Conifer, N. Y.	97	Conifer, N. Y.
Idaho.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Conifer, N. Y.	97	Conifer, N. Y.	97	Conifer, N. Y.
Illinois.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Indiana.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Iowa.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Kansas.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Kentucky.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Louisiana.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Maine.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Maryland.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Massachusetts.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Michigan.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Minnesota.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Mississippi.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Missouri.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Montana.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Nebraska.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Nevada.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
New Hampshire.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
New Jersey.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
New Mexico.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
New York.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
North Carolina.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
North Dakota.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Ohio.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Oklahoma.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Oregon.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Rhode Island.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
South Carolina.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
South Dakota.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Tennessee.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Texas.....	464	Nashville, Tenn.	412	Albany, Ga.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Utah.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Vermont.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Virginia.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Washington.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
West Virginia.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Wisconsin.....	464	Nashville, Tenn.	412	Perry, Fla.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.
Wyoming.....	464	Nashville, Tenn.	412	Ponchatoula, La.	223	Wausau, Wis.	223	Wausau, Wis.	97	Wausau, Wis.	97	Wausau, Wis.

\* Yards located in States taking Ponchatoula, La., as a basing point may make the adjustments allowed Louisiana producers in calculating mill prices. See section 21 of MPR 412.

TABLE 1—Continued

Sales from yards in	Hickory		Magnolia, Sweet Pecan, Tupelo, Sycamore, Willow		Soft Maple		Hard Maple		Red and White Oak		Yellow Poplar	
	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point	MPR	Basing point
Alabama.....	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	97	Montgomery, Ala.	97	Montgomery, Ala.
Arizona.....	97	Alexandria, La.	97	Alexandria, La.	155-SC	Jackson, Tenn.	155-SC	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Arkansas.....	97	Alexandria, La.	97	Alexandria, La.	97	Jackson, Tenn.	223	Wausau, Wis.	97	Alexandria, La.	97	Alexandria, La.
California.....	146	Rainelle, W. Va.	97	Alexandria, La.	155-SC	Jackson, Tenn.	223	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.
Colorado.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	368	Confier, N. Y.	368	Confier, N. Y.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Connecticut.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
Delaware.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Rainelle, W. Va.
District of Columbia.....	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	97	Montgomery, Ala.	97	Montgomery, Ala.
Florida.....	97	Montgomery, Ala.	97	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Montgomery, Ala.
Georgia.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Louisville, Ky.	146	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Idaho.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Illinois.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Indiana.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Iowa.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Kansas.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Kentucky.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Louisiana.....	97	Alexandria, La.	97	Montgomery, Ala.	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Louisville, Ky.	146	Louisville, Ky.
Maine.....	368	Confier, N. Y.	97	Montgomery, Ala.	368	Confier, N. Y.	368	Confier, N. Y.	146	Louisville, Ky.	146	Louisville, Ky.
Maryland.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Massachusetts.....	368	Confier, N. Y.	97	Montgomery, Ala.	368	Confier, N. Y.	368	Confier, N. Y.	146	Louisville, Ky.	146	Louisville, Ky.
Michigan.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Minnesota.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Mississippi.....	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Montgomery, Ala.	146	Montgomery, Ala.	146	Louisville, Ky.	146	Louisville, Ky.
Missouri.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	155-SC	Evansville, Ind.	155-SC	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Montgomery, Ala.
Montana.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	223	Wausau, Wis.	223	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Nebraska.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	155-SC	Wausau, Wis.	155-SC	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Nevada.....	368	Confier, N. Y.	97	Montgomery, Ala.	155-SC	Wausau, Wis.	155-SC	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
New Hampshire.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
New Jersey.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
New Mexico.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
New York.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
North Carolina.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
North Dakota.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Ohio.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Oklahoma.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Oregon.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Pennsylvania.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Rhode Island.....	368	Confier, N. Y.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
South Carolina.....	97	Montgomery, Ala.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
South Dakota.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Tennessee.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	155-SC	Montgomery, Ala.	155-SC	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Montgomery, Ala.
Texas.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Utah.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Rainelle, W. Va.	146	Rainelle, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Vermont.....	368	Confier, N. Y.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Virginia.....	146	Rainelle, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Washington.....	146	Charleston, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
West Virginia.....	146	Charleston, W. Va.	97	Montgomery, Ala.	146	Charleston, W. Va.	146	Charleston, W. Va.	146	Louisville, Ky.	146	Louisville, Ky.
Wisconsin.....	146	Charleston, W. Va.	97	Montgomery, Ala.	146	Wausau, Wis.	146	Wausau, Wis.	146	Louisville, Ky.	146	Louisville, Ky.
Wyoming.....	146	Charleston, W. Va.	97	Montgomery, Ala.	155-SC	Jackson, Tenn.	155-SC	Wausau, Wis.	155-SC	Jackson, Tenn.	97	Alexandria, La.

[Table 1 as amended by Am. 1, effective 11-24-43]

TABLE 2—ESTIMATED AVERAGE WEIGHTS OF HARDWOOD LUMBER

	Pounds per 1,000 board measure feet
Ash:	
Brown	4,000
Soft	4,100
Tough	4,400
Basswood	2,900
Beech	4,900
Birch	4,900
Buckeye	3,300
Butternut	3,400
Cedar, Aromatic Red	3,300
Cherry	4,500
Chestnut	3,900
Cottonwood	3,700
Cypress, Tidewater Red	4,800
Elm:	
Rock	4,700
Soft	4,200
Gum:	
Black	4,300
Red	4,500
Sap	4,300
Hackberry	4,000
Hickory	5,300
Magnolia	4,000
Maple:	
Hard	4,900
Soft	4,400
Oak:	
Red	5,100
White	5,200
Pecan	5,100
Poplar	3,500
Sycamore	4,100
Tupelo	4,300
Willow	3,500

[Table 2 as amended by Am. 1, effective 11-24-43]

(d) *Special deduction in case of sales to other distribution yards.* (1) Sales to other distribution yards shall be discounted 10% after adding the percentage mark-up, where the material is to be resold in substantially the same form. This means rough lumber, surfaced, sawed, or resawed lumber, but does not mean lumber run to pattern or fabricated into other products such as cabinets, boxes or furniture. Extra charges for milling, kiln drying, special widths and lengths and other specifications, are to be added after this discount is given.

(2) For the purpose of this section the term "distribution yard" means a wholesale or retail lumber yard which purchases or receives lumber from a mill or other distribution yards for purposes of unloading, sorting and reselling or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment, and sells primarily for truck shipment, which is equipped to make quick deliveries of many items of lumber and which has been located at its particular site principally to be near a lumber consuming area.

(e) *Combination grades.* Lumber sold on a grade which is a combination of standard grades, such as No. 1 Common and Better, may not be sold at a price higher than the ceiling price for the lowest grade actually included in the combination. For example, the maximum price for No. 1 Common and Better

is that set for No. 1 Common. Of course, the amount of the different grades included can be quoted and invoiced separately at the individual prices for those grades.

(f) *Example of figuring the maximum price f. o. b. yard for sales of rough air-dried lumber.* A yard in Chicago, Illinois, makes a distribution yard sale of 2000 feet of rough air-dried F. A. S. one inch standard grade White Oak Plain WHAD to an industrial company. The maximum price, f. o. b. the yard, is figured as follows:

<i>Item I: Basic yard price:</i>	
Maximum f. o. b. mill price in Maximum Price Regulation No. 146 (the applicable base mill regulation)	\$102.00
Inbound freight, figured on a carload rate of 22 cents C. W. T. to Chicago, Illinois, from Louisville, Kentucky (the transportation basing point) on an estimated weight of 5200 pounds (from Table 2) plus 3% transportation tax	11.75
Maximum f. o. b. mill price plus inbound freight (the basic yard price)	113.75
<i>Item II: Handling charge</i>	15.00
	128.75
<i>Item III: Mark-up (20% of Items I and II on sales of over 1000 feet to 5000 feet)</i>	25.75
Total	154.50
Maximum price f. o. b. yard after evening out to the nearest \$2.50	155.00

*Sec. 5. Additions for special widths and lengths.* The charges listed in Table 3, below, may be added to the ceiling price of lumber in standard or near standard grades where the lumber is furnished in the special widths and lengths set forth in the table. "Special widths", as used here, means either a specific width, such as 7 inches, or a specific width and wider widths, such as 7 inches and wider. Similarly, "special lengths" means a specific length or a specific length and other longer lengths. These additions may not be figured in the price before the percentage mark-up is taken.

TABLE 3—ADDITIONS FOR SPECIAL WIDTHS AND LENGTHS

Widths	Per M'EM
All 7" or 7" and Wider	\$4.00
All 8" or 8" and Wider	8.00
All 10" or 10" and Wider	16.00
All 12" or 12" and Wider	25.00
All 14" or 14" and Wider	30.00
All 16" or 16" and Wider	35.00
<i>Lengths</i>	
All 10' or 10' and Longer	3.00
All 12' or 12' and Longer	6.00
All 14' or 14' and Longer	10.00
16'	20.00

For lengths over 16 ft. add \$5 Per M to 16' price for each foot over 16'.

*Sec. 6. Additions for kiln dried lumber and for workings—(a) Additions for kiln dried lumber.* If kiln dried lumber is furnished, the charges listed in Table 4, below, may be added to the ceiling price for air-dried lumber. These additions may not be figured in the price before the percentage mark-up is taken. The seller, however, may increase by 5 percent the footage content of the lumber, if measured after kiln drying.

TABLE 4—ADDITIONS FOR KILN-DRYING (Dollars per M'EM)

Group	Species	2/3	3/4	4/4	5/4	6/4	8/4	10/4	12/4	16/4 and up
1	Basswood	7.00	7.50	8.00	9.00	10.00	11.00	13.00	15.00	18.00
	Buckeye									
	Butternut									
	Cottonwood									
	Hackberry									
	Poplar									
	Soft Maple									
Willow										
2	Ash	7.50	8.00	9.00	10.00	11.00	12.00	14.00	17.00	22.00
	Beech									
	Cherry									
	Chestnut									
	Cypress:									
	Tidewater									
	Red									
3	Magnolia	8.00	9.00	10.00	11.00	13.00	15.00	18.00	23.00	27.00
	Sap Gum									
	Soft Elm									
	Sycamore									
	Tupelo									
	Birch									
	Black and Red Gum									
Cedar, Aromatic Red										
4	Hard Maple	9.00	10.00	11.00	12.00	14.00	18.00	23.00	27.00	29.00
	Hickory									
	Pecan									
	Plain White and Red Oak									
Rock Elm	9.00	10.00	11.00	12.00	14.00	18.00	23.00	27.00	29.00	
Quarter Sawn Oak; Red and White	9.00	10.00	11.00	12.00	14.00	18.00	23.00	27.00	29.00	

[Table 4 as amended by Am. 1, effective 11-24-43]

(b) *Additions for workings.* The charges listed in Table 5 below may be added to the ceiling price for rough lumber when the workings named in the table are performed. The additions are to be made to the price of the lumber which is worked, and may not be figured in the price before the percentage mark-up is taken.

TABLE 5—ADDITIONS FOR WORKINGS

	Per Operation	
	Per M'BM	Lot Price Minimum Charge
S1S or S2S (all thicknesses and widths).....	\$5.00	\$0.75
S1S and 2E.....		
S2S and 1E.....	8.00	1.50
S4S.....		
Ripping per cut.....	3.00	.50
Resaw per cut.....	6.00	1.00
Cross-cutting per cut.....	3.00	.50
Bundling.....	3.00	.50
Running to pattern.....	10.00	5.00

NOTE: The above additions may be made only on the basis of the separate operations which are performed. Charges for more than one operation may not be made where no change in machine set-up is necessary.

The amount of the addition is to be based on the total number of feet in the order on which the particular type of operation is performed, regardless of the number of species or items. That is, the minimum charges may not be applied to the particular species or items in an order where the operation is performed on more than one species or item, but the charge is to be determined on the basis of the total footage subjected to the operation.

For example, if 100 feet of oak, 100 feet of maple and 100 feet of gum lumber are surfaced on one side to  $\frac{3}{4}$  inch thickness, there is but one operation, and the maximum addition is on the basis of S1S for 300 feet or \$1.50. The minimum charge for S1S of \$0.75 may not be applied in this case to the footages in the separate species.

(c) *Custom kiln-drying and working.* Where lumber is kiln dried or worked for the seller by a custom or milling establishment after a distribution yard sale, the seller may add to the ceiling price for rough, air dried lumber the actual cost of the custom kiln-drying or milling. The amount added may not be higher than the maximum price established by Maximum Price Regulation 165,<sup>17</sup> as amended, (Services), for the custom establishment which performs the service. Where this charge is higher than the charge allowed in paragraphs (a) and (b) above, the invoice of the custom establishment must be attached to the lumber invoice of the seller. In no event is the addition to be figured in the price before the percentage mark-up is taken.

SEC. 7. *Maximum prices, f. o. b. yard, for lumber in special grades or items, or with special services—(a) In general.* This section sets out the maximum f. o. b. yard prices for distribution yard sales of hardwood lumber in:

(1) Special widths and/or lengths not covered by section 5.

(2) Grades and items with special features other than special widths and/or lengths. (This covers "special selections" and workings not listed in para-

<sup>17</sup> 7 F.R. 4734, 5028, 5567, 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990.

graph (b) of section 6—"Additions for workings".)

(b) *Maximum prices—(1) How to figure the maximum price.* The maximum price for hardwood lumber sold in special grades, or items, or with special services, is the price which bears the March, 1942, relation to the most comparable standard grade, called the "yardstick" grade. The seller should find his price differential between lumber in the special grade, or item, or with the special service, and the yardstick grade, in March, 1942, or the first previous month in which he had sales of both items, or, if this is impossible, the price differential he would have used in March, 1942. This difference is then added to or subtracted from the maximum price of the yardstick grade, and the result is the maximum price for the lumber in the special grade, or item, or with the special service. These additions or deductions shall be made after the percentage mark-up is computed.

(2) *Report.* The maximum price for the lumber in the special grade or item, or with the special service, together with a complete description of the special grade or item or special service, must be reported to the Office of Price Administration, Washington, D. C. within 30 days from the date of entering the contract. The report may be in letter form, and may include more than one item.

(3) *Approval.* The reported price may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report, it is automatically approved.

(4) *Deliveries before approval.* A seller using this pricing paragraph can go ahead with delivery of the lumber and collection of the price he has figured or requested. But he must tell the buyer that the price is subject to revision within the 30 day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

SEC. 8. *Maximum price for hardwood dunnage.* (a) The maximum price for distribution yard sales of hardwood dunnage is a price agreed upon between the buyer and seller and approved by the Office of Price Administration. The seller, within 30 days after entering into a contract for the sale of hardwood dunnage, must report to the Lumber Branch, Office of Price Administration the requested price and the method of computation, using a cost-price not in excess of that shown in § 1382.11 (c) of Maximum Price Regulation No. 97—Southern Hardwood Lumber (or § 1382.11 (c) of Maximum Price Regulation No. 146—Appalachian Hardwood Lumber). The reported price may be ordered reduced if it is found to be excessive. But if the price is not disapproved in 30 days of the receipt of the report it may be considered approved. A price once approved may be used for all subsequent sales of hardwood dunnage by the seller.

(b) The seller can go ahead with delivery of the dunnage and collection of the price, but he must tell the buyer that the price is subject to revision within the 30 day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

SEC. 9. *Additions for delivery—(a) In general.* This section sets out the charges for delivery from yard to purchaser which may be added to the ceiling prices f. o. b. yard. In all cases the maximum f. o. b. yard prices include delivery to, and loading on, car or truck by and at the expense of the seller.

(b) *Delivery within a free delivery zone.* If the buyer requests delivery within a free delivery zone which the seller recognized during March 1942, the seller cannot charge for making the delivery.

(c) *Delivery outside free delivery zones.* If the buyer requests delivery outside the free delivery zones which the seller recognized during March 1942, the seller can charge for delivery as follows: (The charge may be rounded out to the nearest 25¢ per 1000 feet).

(1) *Where delivery is by common or contract carrier,* the actual amount paid to the carrier by the seller may be charged. If this addition is figured on the basis of estimated weights, adjustments must be made so that the amount finally charged the purchaser cannot exceed the actual charge made by the carrier.

(2) *Where delivery is by truck owned or controlled by the seller,* the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. The "actual cost" may not be higher than the over-all average trucking cost for a similar delivery, figured for the 6-month period ending September 1, 1942.

(d) *Special provision for sales of hardwood lumber at a uniform delivered price throughout the United States.* (1) Any yard which in the year 1942 published a list of delivered prices for hardwood lumber shipped to any point in the United States, may apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to add in all such sales a charge for transportation figured by multiplying the estimated weights for the lumber as shown in this regulation, by a freight rate no higher than the average rate for all shipments by common carrier made by the yard during 1942 on such sales. The application must include a copy of the published list or lists of delivered prices in effect during 1942 and a statement of the average freight rate paid by the yard on all such shipments of hardwood lumber by common carrier during 1942. Permission will be granted by publishing in this regulation the name and address of the yard and the maximum freight rate which the yard can use in figuring an addition for transportation in such sales.

(2) Permission has been granted to the following yard to use the listed maximum freight rate in figuring a transportation addition in all sales of dry hardwood lumber at a uniform delivered price to any point in the United States.

Name and address: *Maximum freight rate*  
Broadhead Garrett Co.,  
Inc., Cleveland, Ohio. \$0.65 per 100 lbs.

SEC. 10. *Invoicing requirements—(a) When an invoice must be rendered.* An invoice must be rendered in all sales of

\$100.00 or more of hardwood lumber. In smaller sales, the seller must render either an invoice or sales slip.

(b) *What the invoice must contain—*  
(1) *Description of the lumber.* All invoices must contain a sufficiently complete description of the lumber to show whether the price is proper or not. Any specification, extra, working, or quantity which affects the maximum price must be mentioned in the description. The amount added for these does not have to be separately shown.

(2) *Delivery charges.* Any charge which the seller makes for delivery from the yard to the purchaser must be separately shown on the invoice. If a charge is made, the invoice must show the point of origin of the shipment, the destination, and the rail or truck rate (or, if shipment is by private truck, the amount added for transportation).

Sec. 11. *Prohibited practices—*(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices from what they were in March 1942. This includes decreasing credit periods, or making greater charges for extension of credit. In any case, on sales made through the Office of the Chief of Engineers, War Department, terms of 30 days net may be used.

(2) Refusing, without good reason, to sell except in small quantities or under other circumstances which bring the seller an extra return.

(3) Refusing, without good reason, to sell lumber in standard grades and in grade-rule widths and lengths.

(4) Grading as a special grade lumber which normally is graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(5) Refusing to sell on an f. o. b. yard basis, and insisting upon selling on a delivered basis.

(6) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(c) It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only

one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

[Paragraph (c) as amended by Supplementary Order No. 77, 8 F.R. 14310, effective 10-26-43]

(d) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order; except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[Paragraph (d) as amended by Am. 1 to Supplementary Order No. 50, 8 F.R. 14310, effective 10-26-43]

Sec. 12. *Records and Reports—*(a) *Records.* All sellers must keep records which will show a complete description of the lumber sold, the name and address of the buyer, the date of sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought \$200.00 or more of lumber in transactions covered by this regulation. They must be kept for 2 years for inspection by the Office of Price Administration.

(b) *Reports.* All distribution yards which during the year 1942 received 75% or more of their incoming hardwood lumber shipments in full carload or truck load quantity direct from the mill, shall be required to report to the Lumber Branch, Washington, D. C., all their receipts of hardwood lumber for the six-months period commencing July 1, 1943 and ending December 31, 1943. The report shall include the following:

- (1) Date of arrival.
- (2) Species.
- (3) Quantity.
- (4) Point of origin of shipment.
- (5) Freight rate.

Sec. 13. *Applications for adjustment and petitions for amendment—*(a) *Government contracts.* (1) The term "government contracts" as here used means any contract with the United States or any of its agencies, or with the government or any government agency of any country whose defense the President

deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled, "An Act to Promote the Defense of the United States". It also includes any sub-contract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this regulation is impeding or threatens to impede production of hardwood lumber which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,<sup>12</sup> issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>13</sup> issued by the Office of Price Administration.

Sec. 14. *Enforcement and licensing.*

(a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(c) *Licensing.* The provisions of Licensing Order No. 1,<sup>14</sup> licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Former provisions of paragraph (c) superseded by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

Sec. 15. *Relation to other regulations—*(a) *General Maximum Price Regulation.* Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation except when option to remain under the General Maximum Price Regulation (see section 3 (b) of this regulation) has been exercised.

(b) *Maximum Export Price Regulation.* The maximum price for export sales of hardwood lumber is governed by the Second Revised Maximum Export Price Regulation.<sup>15</sup>

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in ac-

<sup>12</sup> 7 F.R. 5037, 5654; 8 F.R. 6173, 6174, 12024.

<sup>13</sup> 7 F.R. 8361; 8 F.R. 3313, 3533, 6173, 11806.

<sup>14</sup> 8 F.R. 13240.

<sup>15</sup> 8 F.R. 4132, 5937, 7652, 9393, 15193.

cordance with the Federal Reports Act of 1942.

The effective date of this regulation shall be September 20, 1943.

[Issued September 14, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected]

Issued this 18th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18600; Filed, November 18, 1943;  
3:12 p. m.]

**PART 1448—EATING AND DRINKING  
ESTABLISHMENTS**

[Restaurant MPR 1-4, Amdt. 3]

**FOOD AND DRINK SOLD FOR IMMEDIATE CON-  
SUMPTION IN DESIGNATED COUNTIES OF  
MASSACHUSETTS**

For reasons set forth in the statement of considerations issued simultaneously herewith, Restaurant Maximum Price Regulation No. 1-4 is hereby amended in the following respects:

1. Section 5 is amended to read as follows:

Sec. 5. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or meal than your highest ceiling price for food items or meals of the same class offered in the seven-day period, except that on Thanksgiving Day you are not permitted to charge a higher price for a dinner than the highest price at which you offered a dinner during said seven-day period times 1.50.

2. Sections 7 (a) and 7 (c) are amended to read as follows:

Sec. 7. *Evasion.* (a) Deteriorating quality or reducing quantity without making appropriate reductions in price, except that the seller may reduce the quantity or butterfat content of cream used in the preparation or service of food items or meals without an appropriate reduction in price in order to meet the limitations imposed by Food Distribution Order 79-44, so long as they are in force and effect.

(c) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period, except that a seller supplying special entertainment and favors on New Year's Eve may increase his cover or minimum charges to the extent that the Massachusetts State Office shall in writing authorize an increase to cover the increased costs of service, entertainment and favors upon written application by the seller, specifying such increased costs, filed on or before December 10 with the Massachusetts State Office of the Office of Price Administration.

This amendment shall become effective November 7, 1943.

(56 Stat. 23, 765; Pub. Law. 151, 78th Cong.: E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 1st day of November 1943.

LAWRENCE J. BRESNAHAN,  
State Director.

[F. R. Doc. 43-18604; Filed, November 18, 1943;  
8:12 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Rev. SR 14 to GMPR, Amdt. 52]

**WOMEN'S UMBRELLA FRAMES**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Supplementary Regulation No. 14 is amended in the following respect:

Section 6.29 is added to read as follows:

Sec. 6.29 *Maximum prices for sales of 10-rib women's umbrella frames to umbrella manufacturers.* (a) On and after November 24, 1943, the maximum price for sales of 10-rib women's umbrella frames by all frame manufacturers to umbrella manufacturers shall be \$3.70 per dozen.

This amendment shall become effective November 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18605; Filed, November 18, 1943;  
3:12 p. m.]

**PART 1499—COMMODITIES AND SERVICES**

[Rev. SR 14 to GMPR, Amdt. 53]

**TRANSPORTATION OF IRON ORE ON GREAT  
LAKES**

The statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 7.14 is added to read as follows:

Sec. 7.14 *Transportation of iron ore by vessel on the Great Lakes.* Carriers other than common carriers engaged in the transportation of iron ore on the Great Lakes may charge as the maximum price for such service performed between the Upper Lake ports and Lower Lake ports during the period from December 7, 1943 to December 31, 1943, inclusive, an amount not to exceed their maximum rates as established by the General Maximum Price Regulation, or any amendment or order thereunder, plus 31.25% thereof.

The rates for such transportation shall continue to be determined under the provisions of the General Maximum

\*Copies may be obtained from the Office of Price Administration.

Price Regulation, except as provided by this section.

(a) *Definitions.* "Iron ore" means all classifications, grades, groups, blends, mixes and other categories of market, merchant and non-captive iron ore, whether sold under a trade name or otherwise, produced in the State of Minnesota north of Minneapolis, or in the State of Wisconsin or Michigan, and used in the manufacture of iron or steel.

"Lower Lake ports" means all ports on Lake Michigan, Lake Erie, Lake Huron, Lake Ontario, and their connecting waters, at which iron ore may be unloaded.

"Upper Lake ports" means all ports on Lake Superior and Lake Michigan at which iron ore may be loaded for shipment.

This amendment shall become effective at 12:01 a. m., December 1, 1943, and shall, unless earlier revoked or extended, expire at midnight, December 31, 1943.

(56 Stat. 23, 765; Public Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18606; Filed, November 18, 1943;  
3:11 p. m.]

**Chapter XIII—Petroleum Administration  
for War**

[Petroleum Directive 59 as Amended Dec. 1, 1943]

**PART 1510—SUPPLY**

**PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT  
ONE**

The fulfillment of the requirements for the defense of the United States has created a shortage of facilities for the transportation of petroleum and shortages in the supply of petroleum and petroleum products, and the following operating directive is deemed necessary for the prosecution of the war.

§ 1510.27 *Definitions.* (a) "Principal petroleum products" means (1) automotive gasoline (other than war products, as specified by the Petroleum Administration for War), (2) kerosene (including range oil, stove oil, and No. 1 distillate fuel oil), (3) distillate fuel oil (other than kerosene as defined, but including light gas oil and light and heavy Diesel fuel oil), and (4) residual fuel oil and crude oil used for purposes other than refining, except that any petroleum product when used as a fuel in the operation of refineries shall not be included as a principal petroleum product. In order to provide for a more equitable distribution of any class of principal petroleum products as herein defined or to conserve, for essential uses, supplies of a product in which a shortage is threatened, this definition may be changed from time to time by subdividing any classification herein named into two or more classifications, such change to be effected by a letter signed by the Director in Charge,

District One, Petroleum Administration for War, addressed to the Subcommittee and to each original supplier, setting forth the new classifications.

(b) "Original supplier" means any person designated as such for the Zone in question on Exhibit "A" attached hereto: *Provided*, That if such a person is engaged in business, part of which is included in the definition of an intermediate supplier under § 1510.27 (c) (2), then he shall be considered as an original supplier only as to that portion of his business not included within such definition and as an intermediate supplier for the balance of his business.

(c) "Intermediate supplier" means any person who in 1941 (1) regularly imported into District One from Any point outside District One any principal petroleum product or products for sale or resale in District One and who does not qualify as an original supplier under paragraph (b) hereof, or (2) regularly received principal petroleum products in District One from an original supplier or other intermediate supplier for redelivery to others: *Provided*, That the term shall not include a service station, peddler, or other retail outlet, or a transporter of principal petroleum products to the extent that he is engaged merely in such transportation for others.

(d) "Unassigned inventory" means that portion of the inventory of any principal petroleum product in a supply terminal which was not taken into account in the inventory adjustment made under § 1510.33 (a) and which has not been distributed by the Subcommittee pursuant to § 1510.31 (a) or (c) hereof.

(e) "Person" means any individual, partnership, association or business trust, corporation, Governmental corporation or agency, or any organized group of persons whether incorporated or not.

(f) "Subcommittee" means the Subcommittee of Supplies and Distribution of District One.

(g) "Zone" means any one of the Zones shown on Exhibit "B" hereof.

(h) "Supply terminal area" means the area served by a supply terminal, as shown on the schedule prepared under § 1510.30 (b).

(i) "Supply area" means the area for which no supply terminal is designated, as shown on the schedule prepared under § 1510.30 (b).

(j) "Storage facility" means one or more tanks or other facilities, used for the storage of principal petroleum products, which are normally operated as a single unit.

§ 1510.28 *Supply and demand programs and statements*—(a) *Supply and demand program for Districts One, Two, and Three.* Petroleum Administration for War shall prepare monthly and forward to the General Committees of Districts One, Two, and Three statements showing the petroleum supply and demand programs for such Districts for the period of three months succeeding the month in which issued, or for such other period as may be determined.

(b) *Source of supply.* The appropriate committees or subcommittees for Districts Two and Three shall prepare at

designated times and submit to the Petroleum Administration for War such statements as may be required under applicable petroleum directives, showing the sources and amount of principal petroleum products available for shipment into District One and such other information as may be required.

§ 1510.29 *Determination of zone sales positions.* The subcommittee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each Zone the 1941 sales position of each original supplier for each class of principal petroleum products and expressed as a percentage of the total sales of each of such products made within such zone by all original suppliers. Principal petroleum products consumed by an original supplier shall be considered as a sale. In computing the sales position, the subcommittee shall deduct from the total 1941 sales of each original supplier the following purchases or sales made by such original supplier in 1941, within District One: (1) purchases in its capacity as an intermediate supplier; (2) sales to another original supplier which do not constitute purchases as an intermediate supplier on the part of the buyer; (3) sales of product exported from District One; (4) sales to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Foreign Economic Administration, and (5) sales made pursuant to contracts entered into with the Treasury Procurement office. Adjustments shall likewise be made in the case of each principal petroleum product for any complete or substantial voluntary discontinuance of any class of business in any Zone since January 1, 1942. If the Petroleum Administration for War notifies the subcommittee that within any supply terminal area or supply area the Navy will, during the next succeeding calendar month, supply 20% or more of the amount of the distillate and residual fuel required to bunker ocean going vessels, then sales of like fuel oil for such use made in 1941 by each original supplier within the affected area shall be deducted from the 1941 sales of such original supplier to the following extent: (1) if the Navy is to supply 80% or more of the amount required, there shall be excluded all sales made for this purpose within the affected area; (2) if the Navy is to supply less than 80% but more than 20% of the amount required, there shall be excluded the same percentage of the sales made for this purpose within the affected area as the percentage of the principal petroleum products involved which are to be supplied by the Navy, provided no change shall thereafter be made in the percentage of sales to be deducted unless the amount to be supplied by the Navy changes by at least 10%; (3) if the Navy is to supply less than 20% of the amount required, then no deduction shall be made.

§ 1510.30 *District One supply program*—(a) *Crude petroleum and principal petroleum products to be imported or*

*manufactured in District One.* The subcommittee shall obtain from the Refining Committee for District One a monthly statement showing: (1) the crude petroleum and other products to be used at each District One refinery in manufacturing and (2) the net amount of principal petroleum products expected to be manufactured at each refinery. The subcommittee shall thereupon prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, containing this information and also showing the amount of principal petroleum products expected to be imported into each zone.

(b) *Terminal and storage facilities.* The subcommittee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each zone the terminals and storage facilities (hereinafter referred to as supply terminals) and a description of the supply terminal areas and the supply areas. The plants included in each supply terminal shall be those which are so equipped and so located as will provide for receipt within the area of the maximum amount of principal petroleum products and, to the extent consistent therewith, which will permit the efficient use of transportation equipment in distributing products therefrom to customers or to other bulk plants. The schedule shall show the location of the supply terminals and supply areas, the area to be served thereby, the original suppliers operating therein, the plants included in each supply terminal, name of railroad serving such terminal, its storage capacity for each principal petroleum product, its daily loading and unloading capacity for each method of transportation, and the thru-put rates (including in-transit storage and shipping losses) for receiving, handling, and delivering principal petroleum products at each supply terminal, provided the amount covering losses shall be shown separately from the other items making up the thru-put rates. Upon issuance of the schedule, pursuant to § 1510.34 (c), the supply terminals specified therein shall, unless otherwise directed by the Petroleum Administration for War, be used for all principal petroleum products imported by original suppliers into the area served thereby, and the rates charged for any principal petroleum product put through each supply terminal shall not exceed the applicable rate specified in such schedule. The owner of principal petroleum products and the operator of the plant within a supply terminal, if he be other than the owner of the products, shall account for unassigned inventory and no part of such inventory shall be removed from the plant or disposed of in any way except pursuant to § 1510.31 (a) and (c), or by authority of the Petroleum Administration for War. Refineries shall be deemed supply terminals with respect to the principal petroleum products they produce.

(c) *Shipment of crude and principal petroleum products into and within District One.* The subcommittee, after consulting with the Transportation and

Refining Committees of District One, shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, assigning to original suppliers the duty of arranging for the shipment of crude petroleum to be imported for purposes other than refining, and principal petroleum products from origins outside District One to destinations within District One and arranging for intra-district shipments from and to designated points. Insofar as practicable the suggested schedule shall be arranged to provide (1) each supply terminal area and supply area with the principal petroleum products required to meet the expected demand after providing for inventory changes deemed advantageous to the overall supply position; and (2) for the efficient use of facilities and for shipment into District One of the maximum amount of crude petroleum and principal petroleum products. Subject to the foregoing, the duty of importing principal petroleum products shall be assigned as nearly as practicable among original suppliers, in proportion to their zone sales position. Principal petroleum products manufactured at a District One refinery shall be deemed to have been imported by the refiner. Upon issuance of such schedule pursuant to § 1510.34 (c), each original supplier shall make every effort to increase the volume of products available for distribution within District One and shall perform the duties assigned to him, except that any original supplier may arrange to have another original supplier, willing to assume such responsibility, perform such duties, and notice of any such arrangement or any change or modification thereof shall be given immediately to the subcommittee. The Petroleum Administration for War shall, from time to time, acting through appropriate governmental agencies, arrange for necessary adjustments to be made in the use of transportation facilities when required to facilitate the carrying out of assignments made hereunder. In making such adjustments, consideration shall first be given to the carrying capacity available to each original supplier by tanker, pipe line, barge, or any form of transportation other than tank car, and insofar as possible, any original supplier's deficit of carrying capacity shall be made up by the allotment of tank cars. Wherever necessary, the Petroleum Administration for War may arrange for the specific use of any transportation facility without regard to the provisions of any schedule issued in connection herewith. The Transportation Committee, District One, shall review the use of all supply terminals and transportation available for shipment of products into or within District One to determine whether the maximum efficient use (including the movement of loaded tank cars, return of empty tank cars in train-load lots, and the distribution of products from the supply terminals) is being attained, and in that connection such committee shall recommend to the persons, Committees or subcommittees affected and the Petroleum Administration for War that such action be taken as

will, in its opinion, improve the efficient use of transportation and increase the volume of principal petroleum products available for distribution in District One.

§ 1510.31 *Distribution of available supplies—(a) Supply of principal petroleum products for specified government uses.* Petroleum Administration for War shall notify the subcommittee as far in advance as is practicable of the quantities of principal petroleum products required for sale and delivery under contracts which, subsequent to April 24, 1943, have been or will be entered into with the Treasury Procurement Office, and to the extent not contracted for by the Treasury Procurement Office, for sale and delivery to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, and the Foreign Economic Administration. Whenever possible the notice shall specify the time and the supply terminal areas and supply areas where such products are to be delivered. Principal petroleum products needed to make deliveries under the above contracts or to the above Government agencies will be assigned by the subcommittee from unassigned inventory to original suppliers who have assumed or whose customers have assumed the obligation to make such deliveries. Distribution shall be effected by the subcommittee issuing assignments directing the owner of unassigned inventory to transfer a designated amount of such inventory to the original supplier in whose favor the assignment is drawn, and unless the parties otherwise agree, such transfer shall be made by sale and purchase at a price mutually agreed upon by the parties, but not to exceed the price as determined pursuant to § 1510.32. Unless the operator of the plant in which the unassigned inventory is stored and the assignee make other arrangements, the assignee shall remove such product within ten days or within such other period as the subcommittee designates. It shall be the duty of each original supplier on behalf of intermediate suppliers buying from him to obtain promptly an assignment of principal petroleum products and make such products available to such intermediate suppliers in the amount necessary to meet the intermediate suppliers' commitments for delivery under such contracts or to such Government agencies. Each original supplier who has or whose customers have contracts with any such Government Agency shall promptly notify the subcommittee thereof and of the amount of each principal petroleum product which will be required for delivery thereunder and the time and place of delivery. Monthly statements shall be submitted by each original supplier to the subcommittee setting forth the quantities of principal petroleum products actually delivered under such contracts or to such agencies during the preceding month.

(b) *Distribution of principal petroleum products among supply terminals and supply areas.* The subcommittee shall prepare a monthly statement showing

each original supplier's proportionate part of each principal petroleum product expected to be available for distribution within each zone as shown on the schedule prepared pursuant to § 1510.30 (a). Each original supplier's proportionate part shall be computed by applying his zone sales position percentage to the total amount of each principal petroleum product expected to be available within each zone, after deduction of the amount of principal petroleum products which it is estimated will be required for delivery under § 1510.31 (a). Upon receipt of such statement each original supplier shall promptly notify the subcommittee of the portion of its proportionate part of principal petroleum products which will be required at each supply terminal or supply area, the distribution among the supply terminals and supply areas to be made in such a manner as will permit such supplier to meet as nearly as possible its obligations. The subcommittee shall thereupon issue to all original suppliers a statement showing, for each supply terminal area and supply area, the percentage distribution to be made among the original suppliers, of the principal petroleum products available at each such terminal or area.

(c) *Distribution of unassigned inventory.* After meeting the requirements specified in § 1510.31 (a), all or any part of the principal petroleum products remaining in unassigned inventory shall be distributed by the subcommittee among original suppliers, in accordance with the percentage specified in § 1510.31 (b), subject to adjustments being made from time to time so as to provide each original supplier with an amount equal to his zone sales position percentage of the total principal petroleum products available for distribution within the zone after making such changes as are required under § 1510.33. Except for deliveries of principal petroleum products made by tank truck directly from a bulk depot outside of District One to consumers or retailers who were receiving deliveries in this manner in the calendar year 1942, receipt of any principal petroleum products by an original supplier or for its account, not accounted for in unassigned inventory, shall be considered as receipts by such original supplier pursuant to an assignment from unassigned inventory. Distribution of unassigned inventory shall be made to transfer a designated amount of such inventory to the original supplier in whose favor the assignment is drawn, and unless the parties otherwise agree, such transfer shall be made by sale and purchase at a price mutually agreed upon by the parties, but not to exceed the price as determined pursuant to § 1510.32. Such principal petroleum products shall thereupon become the property of the assignee and shall not be subject to further assignment hereunder, except as provided in § 1510.31 (d). Unless the operator of the plant in which the unassigned inventory is stored and the assignee make other arrangements, the assignee shall remove such product within ten days of the date of assignment, or within such other period as the subcommittee designates. If, within such period, an origi-

nal supplier fails, except for causes beyond its control, to accept title to and remove or make other arrangements for such product as may be assigned to it, then such original supplier shall forfeit its right to such quantity or to any future assignment thereof, and such quantity shall be deemed as having been received by such original supplier under an assignment, but the amount thereof shall be returned to unassigned inventory. The subcommittee shall obtain from each original supplier a report, at such times and in such forms as it may prescribe, with the approval of the Petroleum Administration for War, of all principal petroleum products received from outside District One by such original supplier or for its account (including principal petroleum products manufactured in District One), excluding only those deliveries made by tank truck directly from a bulk depot outside of District One to consumers or retailers who were receiving deliveries in this manner in the calendar year 1942.

(d) *Redistribution of supplies.* If, within any zone, the amount of any principal petroleum product available to an original supplier is insufficient to meet the rationed demand of persons currently buying from it, then such original supplier may apply to the subcommittee for a reassignment to it of additional supplies of such principal petroleum product. The application shall be in writing and shall contain the following information: (1) the estimated amount of additional product needed; (2) the inventory of such principal petroleum product in storage facilities within the zone, having a capacity of 5,000 barrels or more, which are owned or controlled by the applicant or by intermediate suppliers receiving all or a portion of their supplies from the applicant; (3) a statement explaining the shortage; and (4) such other information as may from time to time be requested. If the subcommittee, after taking into account supplies available for distribution within the zone and the relative requirements of all other original suppliers therein, determines that the applicant should be awarded additional supplies to enable it to make deliveries to its customers in the same proportion as deliveries are generally being made in the area to like persons, then, the subcommittee shall assign, with the approval of the Petroleum Administration for War, to the applicant the amount of such product or products required by the applicant as is determined is needed for such purpose and is fair and equitable under the circumstances. Reassignment shall be made from the inventory of principal petroleum products belonging to other original suppliers or from principal petroleum products thereafter assigned to other original suppliers under § 1510.31 (c), which supplier or suppliers appear, after taking into account expected receipts, their existing inventory, the inventory of intermediate suppliers supplied by them and such other factors as may be pertinent, to have a greater proportion of such principal petroleum products than will be required to meet the rationed demand of their customers in the same proportionate amount as de-

liveries are generally being made in the area to like persons. Redistribution shall be effected by the subcommittee directing the owner or owners of the product for which a reassignment is issued to transfer a designated amount of such product to the original supplier in whose favor the reassignment is drawn, and such original supplier shall thereupon immediately remove such product or make other arrangements with respect thereto. The parties to any such reassignment shall endeavor to agree upon a price at which such reassignment is to be made. In the event such parties are unable to agree upon such price, it shall be determined by the Director in Charge, Petroleum Administration for War, District One, or by such person or persons as such Director may designate. In determining such price, such Director, or the person selected by him, shall be guided by the principle that the price is to be the average amount at which the product is sold to consumers thereof, less an appropriate amount for cost of marketing and distribution incurred by the purchasing original supplier and subsequent owners other than the ultimate consumer. The price determined by such Director or by the person designated by him shall not in any event be less than the selling original supplier's maximum price, permitted to be charged by the Office of Price Administration, for the product reassigned at the place of delivery, for the type of delivery employed. If the price for such reassignment determined as hereinabove provided is in excess of the price permitted to be charged by the Office of Price Administration, then the maximum price permitted to be charged by such Office shall be the price charged for reassignments. The delivery shall be made by the method specified by the buyer, if physically possible, and if the means selected constitutes an efficient use of the available transportation facilities. Any dispute over the method of delivery shall be referred to the Petroleum Administration for War for such action as may be directed.

(e) *Comparative statement showing supply position.* The subcommittee shall issue to all original suppliers a monthly statement showing assignments and reassignments made under § 1510.31 (a), (c), and (d), and the zone percentage supply position of each original supplier as compared to its zone sales position.

§ 1510.32 *Maximum price formula.* The terms of any purchase and sale made pursuant to an assignment under § 1510.31 (a) or (c) shall be negotiated between the parties thereto: *Provided:*

(a) *Sales made in Zones One, Two, Three, Four, or Five.* If delivery under the sale is made in Zones One, Two, Three, Four, or Five, then no price agreed upon shall exceed the applicable maximum price established under any maximum price regulation, as amended or supplemented, or other order of the Price Administrator, or the sum of the following items, whichever is lower:

(1) The value of the product at the normal origin as provided in Petroleum Compensatory Adjustments Regulation

No. 1, as amended or revised, issued by the Defense Supplies Corporation.

(2) Except as provided in 3 below, the cost of transporting the product from the normal origin to the specific point and facility at which the seller delivers the same to the buyer, such cost to be by the facilities which would have been used by the seller under the normal method of transportation as defined and determined under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or if the seller has no such normal method of transportation, there shall be used in lieu of such normal method of transportation method which would most probably be used by the seller, assuming that in the absence of a tanker shortage the seller would transport the products from the normal origin via tanker or tanker in combination with other transportation means through an eastern seaboard terminal to the specific point and facility at which the seller delivers to the buyer: *Provided,* That, if the normal method of transportation which would be used in computing a claim under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, terminates before reaching the point of delivery, then a charge for transportation from such point of termination to the specific point and facility at which delivery is made (such charge to be equal to the applicable current rate generally prevailing for such transportation, or in the absence of such a rate, then the actual cost of the movement) shall be added to the cost of the normal method of transportation to the extent that it is not recoverable by the seller under such Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised. In determining the cost of the normal method of transportation (or the most probable tanker method used in lieu of the normal method of transportation), the normal cost of in-transit handling incurred under the normal method of transportation shall be computed at the rate of 4¢ per barrel at each place at which in-transit handling occurs by the normal method of transportation, except that no in-transit handling charge shall be included with respect to handling at any District One refinery of product manufactured at such refinery, unless such charge is recoverable under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised.

(3) If the cost of transporting the product from the actual origin to the point of delivery by the facilities used (including the substitute cost of in-transit handling) is less than the total sum determined under the preceding paragraph (2), such actual cost shall be used in lieu of the sum determined under such paragraph (the actual origin and the cost of transportation and in-transit handling being determined in accordance with Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised).

(4) Reasonable storage and handling charges (exclusive of product losses) actually incurred by the seller at the point from which the product is delivered to the buyer for which no recovery

may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised: *Provided, however*, That such charges shall not exceed any applicable thru-put rates which may be established and approved pursuant to § 1510.30 (b), less the amount shown on the schedule for product losses included in making up the thru-put rates, or, if there is no such applicable rate at a particular point, the sum of 10½¢ per barrel; *And provided further*, That no handling charge shall be included with respect to handling at any District One refinery of product manufactured at such refinery, unless such charge is recoverable under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised.

(5) The amount of revenue resulting from any increase in the maximum price of the product sold which must be accounted for and paid by the seller under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised, or under the plan for the Equitable Sharing of Revenues and Extra Transportation Expenses, as amended, approved under Recommendation No. 12.

(6) Any and all Governmental taxes and fees which the seller is required to pay with respect to the sale of the product sold or the transportation either of such product or of the crude petroleum from which such product is manufactured, for which taxes no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised. The subcommittee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, establishing a reasonable charge for each supply terminal area and supply area covering transportation taxes for shipments into such areas. Upon issuance of the schedule pursuant to § 1510.34 (c), the charges specified therein shall be used in lieu of any other charge or sum for taxes imposed with respect to transportation, regardless of point of origin or method of shipment.

(7) The cost of any losses of product including, but not by way of limitation, losses due to shrinkage or evaporation (including pipe line deductions) actually incurred by the seller for which no recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised: *Provided, however*, That charges for such losses shall not exceed any applicable rates shown on the schedule prepared pursuant to § 1510.30 (b).

If the parties to any purchase and sale cannot agree upon a price pursuant to this subparagraph (a), the dispute shall be referred to the Petroleum Administration for War for such action as may be directed.

(b) *Sales made in zone six.* If delivery be made in Zone Six, the price agreed upon by the parties shall allow for a reasonable margin below the prices generally prevailing for sales to other classes of resellers and shall not exceed the applicable maximum price established under any maximum price regulation or other order of the Price Administrator. If the

parties cannot agree upon a fair and reasonable price hereunder, the dispute shall be referred to the Petroleum Administration for War for such action as may be directed.

(c) *Sales made pursuant to this section shall not be deemed to be discriminatory.* Sales between original suppliers made at or below the maximum price formula set forth in § 1510.32 (a) or determined in accordance with § 1510.31 (d) or 1510.32 (b), and which are made pursuant to § 1510.31 (a), (c), or (d) shall not be deemed to effect any discrimination against any buyer (including any original supplier) to whom any other sale is made at any higher or different price.

§ 1510.33 *Inventory and sales adjustments*—(a) *Inventory adjustments.* The subcommittee shall determine for each principal petroleum product in each zone each original supplier's share of the net inventory as of November 30, 1943, by multiplying the total net inventory for such zone by each original supplier's zone sales position percentage for the product for which the determination is being made. In any case where an original supplier's share of the net inventory is greater or less than his actual net inventory as of such date, the amount of the difference shall be added to or subtracted from the proportionate part of such principal petroleum product which such original supplier is entitled to receive under § 1510.31 (c). The net inventory for each zone shall be determined as follows: The subcommittee shall obtain from each original supplier a report showing for each zone in District One, as of November 30, 1943, or as of the last day of the month in which this revised directive becomes effective, whichever time first occurs, (1) the total physical inventory of each principal petroleum product within each zone owned or controlled by such original supplier in all storage facilities having a gross storage capacity for principal petroleum products of 5,000 barrels or over; (2) the amounts of such inventories which are unavailable for distribution by reason of being tank bottoms, pipe line fills or are otherwise unusable; (3) the amounts of such inventories specifically set aside for delivery exclusively to the Army, the Navy, or the Foreign Economic Administration; and (4) a statement showing the amounts of each principal petroleum product then due to or from such original supplier in each zone as a result of loans and exchanges made with other original suppliers, and the names of the original suppliers from which or to which each of such amounts is due. Any portion of that inventory reported under (2) or (3) hereof, which subsequently becomes available for a use other than that for which it is earmarked, shall be promptly reported to the subcommittee by the owner thereof, and shall be transferred to unassigned inventory. Upon receipt of such reports, the subcommittee shall determine for each principal petroleum product in each zone the actual net inventory of each original supplier by deducting from such original supplier's total physical inventory, as reported under (1) hereof, the amount of

unavailable inventory, as reported under (2) hereof, and the amount of inventory set aside for the Army, the Navy or the Foreign Economic Administration, as reported under (3) hereof, and by adding the net amount due to, or by deducting the net amount due from such original supplier as reported under (4) hereof. The total net inventory in each zone shall be deemed to be the sum of the net inventories in the zone of all original suppliers as determined hereunder.

(b) *Sales adjustments.* (1) The subcommittee shall obtain from each original supplier a report for the period which shall commence October 1, 1942, and end November 30, 1943; which report shall show by calendar month for each Zone, and for each principal petroleum product: (i) total sales other than of products exported from District One (principal petroleum products consumed other than as a fuel in the operation of a refinery shall be considered as a sale); (ii) purchases made as an intermediate supplier; (iii) sales made to another original supplier which were not made as intermediate sales; (iv) sales made to Federal Governmental departments or agencies for which products were made available under Amendment No. 2 to Petroleum Directive No. 59, as Amended, dated April 24, 1943, or under § 1510.31 (a) hereof; (v) sales made to bunker ocean going vessels when such fuel oil was furnished by the Navy; and (vi) such adjustments as, in the opinion of the original suppliers, should be made to allow for directives or instructions issued by the Petroleum Administration for War, which provide for increasing the amount of principal petroleum products such supplier is entitled to receive under Petroleum Directive No. 59, or for action taken pursuant to the appeal section of Petroleum Directive No. 59.

(2) Upon receipt of the above reports, the subcommittee shall prepare and submit to the Petroleum Administration for War a statement summarizing, for each original supplier, the adjustments which the supplier claims should be made as shown in (vi) of the above report, together with the comments and recommendations of the subcommittee with respect thereto. To the extent that the directives or instructions issued or action taken require a modification of the amount of principal petroleum products to which an original supplier is entitled under Petroleum Directive No. 59, the Petroleum Administration for War shall direct the subcommittee as to what adjustments are to be made. Directives or instructions issued by the Petroleum Administration for War to provide for preferential deliveries under Petroleum Administrative Order No. 1 shall not be taken into account for purposes of this adjustment. The subcommittee shall thereupon compute the total net adjusted sales made within each zone by each original supplier in his capacity as an original supplier, by deducting from its total domestic sales shown in (i) the amount of purchases made as an intermediate supplier as shown in (ii), sales to other original suppliers as shown in (iii), sales to the Federal Government as shown in (iv), sales made to bunker

ocean going vessels as shown in (v), and adjustments as directed by the Petroleum Administration for War. The adjusted total principal petroleum products sold in each zone shall be deemed to be the sum of the net adjusted sales made by all original suppliers therein after taking into account any other adjustments that may be required by the Petroleum Administration for War.

(3) The subcommittee shall prepare a suggested schedule, in collaboration with a staff representative of the Petroleum Administration for War designated for the purpose, showing for each principal petroleum product in each zone the amount by which the net adjusted sales of each original supplier made during the above adjustment period exceeded or was less than its proportionate part of the adjusted total amount of such product sold in the zone by all original suppliers during the same period. Each original supplier's proportionate part shall be ascertained by multiplying the adjusted total volume of each principal petroleum product sold by all original suppliers in the zone, by such original supplier's applicable zone sales position percentage which, for the purpose of this calculation, shall be determined as provided in § 1510.29, except that deductions for sales made to the Army, the Navy, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, the Foreign Economic Administration, and pursuant to contracts entered into with the Treasury Procurement Office, shall include only sales made in the months of May, June, July, August, and September, 1941, and, in any case where a deduction is to be made on account of bunker fuel oil furnished by the Navy, the amount of the deduction shall be limited to sales made during the month in 1941 which corresponds to the month in 1942 or 1943 for which the Navy was supplying such fuel oil.

(4) Upon approval and issuance of the schedule by the Petroleum Administration for War, the original suppliers within each zone shall confer with each other and endeavor to adjust their over and under sales by any means acceptable to both parties, including a financial adjustment. Upon the first day of the second month following the month in which such schedule is issued each original supplier shall notify the subcommittee what adjustments, if any, have been made with other original suppliers. The subcommittee shall thereupon deduct from each over-selling supplier's proportionate part of principal petroleum products which it is entitled to receive under § 1510.31 (c) the amount of over-sales for which a voluntary adjustment could not be made, and adding to each under-selling original supplier's proportionate part of principal petroleum products the amount of under-sales for which a voluntary adjustment could not be made: *Provided, however*, That the entire adjustment applicable to any original supplier need not be made in any one month if, in the opinion of the Petroleum Administration for War, it would result in a serious disruption of the supply program, or of the original supplier's current supply position.

§ 1510.34 *General provisions*—(a) *Minimum specifications.* Petroleum Administration for War may, from time to time, establish minimum specifications for one or more of the several petroleum products included within the definition of principal petroleum products. Petroleum products imported into or produced in District One shall meet these specifications if any be established, and any person in District One shall accept products conforming to such minimum specifications for all deliveries required under this directive, except that, if there be any variation in the quality of products at any supply terminal, each original supplier shall insofar as practicable be given an equal opportunity to obtain a proportionate part of the products of like quality.

(b) *Schedules, programs, statements, and communications.* The schedules, programs, and statements prepared pursuant to this directive as amended, shall be submitted at such times and for such periods and shall be in such form and include such information in addition to that specified as Petroleum Administration for War may determine. Copies of all the issued schedules, programs, and statements prepared by committees or subcommittees shall be forwarded to the appropriate committees and subcommittees and to all original suppliers. All communications or other matters pertaining to this directive which are for the attention of the Petroleum Administration for War, and all schedules called for herein, shall, unless otherwise directed, be addressed to the Director in Charge, District One, Petroleum Administration for War, 122 East 42nd Street, New York 17, New York, Ref: P. D. 59. All communications relating to this directive which are for the attention of the subcommittee or to a functional committee shall, unless otherwise directed, be addressed to the appropriate committee or subcommittee, 122 East 42nd Street, New York 17, New York.

(c) *Effectuation of schedules.* No schedule provided for hereunder shall become effective until it has been approved by the Chief Counsel, or District Counsel designated by him, Petroleum Administration for War, and issued by the Petroleum Administrator for War, or the Deputy Administrator, or person designated by him. Upon such approval and issuance of any such schedule, copies thereof shall be forwarded to the appropriate persons, committees, and subcommittees, and all persons, committees, and subcommittees affected thereby shall carry it into effect according to its terms, conditions, and intent. Should any person refuse to comply with any issued schedule, this fact shall be immediately reported by the appropriate committee to the Petroleum Administration for War.

(d) *Verification and records.* All reports and information submitted hereunder by original suppliers shall be subject to verification, and the Petroleum Administration for War may from time to time require any original supplier to submit an opinion of a certified public accountant as to the accuracy of any report or information submitted here-

under and whether such report or information conforms to the requirements established therefor. The Petroleum Administration for War may also require an independent audit of any report or information submitted hereunder, and for this purpose the original supplier affected shall permit such auditors or other representative of the Petroleum Administration for War to have access to its plants, books, and records to the extent necessary to verify such reports and information.

(e) *Surveys and investigations.* The several committees and subcommittees designated in this directive shall make such surveys and investigations and shall obtain and analyze such facts, figures, and other data as may be necessary or appropriate in connection with the performance of the functions and duties with which such committees and subcommittees are charged: *Provided, however*, That wherever available, such facts, figures, and other data shall be obtained from other appropriate committees or subcommittees rather than by new surveys or investigations.

(f) *Administration.* In carrying out their functions under this directive, the committees and subcommittees (including persons employed or designated by them to act as their representatives or in their behalf) and persons affected shall hold meetings and shall consult with each other and with other committees and subcommittees to the extent that may be necessary or desirable to effectuate the terms, conditions, and intent of this revised directive or for the purpose of considering any proposed modification or amendment hereof. All committees, subcommittees, and persons shall supply to the committees and subcommittees having the function of carrying any part of this directive into effect with such information, material, and assistance as may be necessary to carry out their functions under this directive. Operating expenses of such committees or subcommittees shall be met as provided in § 1500.7 (j) of this chapter, as amended or supplemented, or as provided in any other recommendation, directive, or order of the Petroleum Administration for War, which may be issued as a substitute therefor.

(g) *Activities of subcommittees and other committees and functional committees.* All action taken hereunder by the subcommittee or by a functional committee shall be subject to the supervision of the Petroleum Administration for War. The subcommittee shall also perform its functions hereunder pursuant to the general supervision of the general committee.

(h) *Appeals.* (1) Any person not included on Exhibit "A" shall be added thereto upon application to Petroleum Administration for War, showing that such person (i) during the calendar year 1941 produced or manufactured any principal petroleum product or products in District One; or (ii) during the calendar year 1941 maintained within District One at least one storage facility of 5,000 barrels or more for each principal petroleum product for which the determination as original supplier is being

made, and imported regularly into said storage facility from any point outside District One such principal petroleum product or products for sale or resale in District One; or (iii) in 1941 regularly purchased for sale supplies of petroleum or principal petroleum product in District One by tanker and received such principal petroleum products in ocean terminals, owned or controlled by him, such terminals having adequate facilities to accommodate the berthing and unloading of tankers delivering petroleum or principal petroleum products; or (iv) who, in the opinion of the Petroleum Administration for War, can thereby contribute to the war program.

(2) Any person, natural or artificial, affected by this directive or by any schedule provided for hereunder, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Director in Charge, District One, Petroleum Administration for War, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, who shall act promptly upon such appeal and render a decision thereon within a period of 15 days. If dissatisfied with the decision of the District Director in Charge, such person may appeal within 15 days after receipt of notice of the District Director's decision to the Deputy Petroleum Administrator for War or such representative as he may designate.

This amended directive shall become effective on the 1st day of December 1943.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued this 9th day of November 1943.

RALPH K. DAVIES,  
*Acting Petroleum  
Administrator for War.*

EXHIBIT A—ORIGINAL SUPPLIERS LISTED PURSUANT TO § 1510.27 (b)

#### ZONE 1

American Bitumuls Company, American Mineral Spirits Company, Atlantic Refining Company, Cities Service Oil Company, Crown Central Petroleum Corporation, Gulf Oil Corporation, Hartol Products Corporation, Jenny Manufacturing Company, Jones & Company, Inc., Maritime Petroleum Corporation, Pacific Oil Company, Pan American Petroleum & Transport Company, Petroleum Heat & Power Company, Inc., Quincy Oil Company, Richfield Oil Corporation of New York, Royal Petroleum Corporation, Shell Oil Company, Inc., Sinclair Refining Company, Socony-Vacuum Oil Company, Inc., Standard Oil Company of New Jersey, State Fuel Company, Sun Oil Company, Texas Company, Tide Water Associated Oil Company, Valvoline Oil Company, White Fuel Corporation, Wyatt, Inc.

#### ZONE 2

Allegheny Refiners, Inc., Allied Oil Company, Inc., American Mineral Spirits Company, Ashland Oil & Refining Company, Asiatic Petroleum Corporation, Atlantic Refining Company, Bradford Penn Refining Corporation, Central Petroleum Corporation, Cities Service Oil Company, Continental Oil Company, Crown Central Petroleum Corporation, Economy Gasoline Corporation, First National Oil Corporation, Frontier Fuel Oil Corporation, Gulf Oil Corporation, Hambleton Terminal Corporation, Hartol Products Corporation, Hess, Inc., Home Fuel Oil Company, Maritime

Petroleum Corporation, Pan American Petroleum & Transport Company, Patterson & Company, Inc., Pennsylvania Refining Company, Pennzoil Company, Petrol Corporation, Petroleum Heat & Power Company, Inc., Pure Oil Company, Quaker State Oil Refining Corporation, Richfield Oil Corporation, Royal Petroleum Corporation, Shell Oil Company, Inc., Sinclair Refining Company, Socony-Vacuum Oil Company, Inc., Sonneborn Sons, Inc., Standard Oil Company, Sun Oil Company, Texas Company, Tide Water Associated Oil Company.

#### ZONE 3

American Bitumuls Company, Arkansas Fuel Oil Company, Ashland Oil & Refining Company, Atlantic Refining Company, Cities Service Oil Company, Continental Oil Company, Elk Refining Company, Gulf Oil Corporation, Pan American Petroleum & Transport Company, Patterson & Company, Inc., Petrol Corporation, Petroleum Heat & Power Company, Inc., Pure Oil Company, Republic Oil Refining Company, Richfield Oil Corporation of New York, Shell Oil Company, Inc., Sinclair Refining Company, Standard Oil Company of New Jersey, Sun Oil Company, Texas Company, Tide Water Associated Oil Company, Viking Distributing Company, James River Oil Company.

#### ZONE 4

Arkansas Fuel Oil Company, Atlantic Refining Company, Continental Oil Company, Elk Refining Company, Gulf Oil Corporation, Pan American Petroleum & Transport Company, Pure Oil Company, Republic Oil Refining Company, Richfield Oil Corporation of New York, Riverside Terminal Company, Shell Oil Company, Inc., Sinclair Refining Company, Standard Oil Company of New Jersey, Texas Company.

#### ZONE 5

Arkansas Fuel Oil Company, Atlantic Refining Company, Belcher Oil Company, Continental Oil Company, Gulf Oil Corporation, Orange State Oil Company, Pan American Petroleum & Transport Company, Pure Oil Company, Republic Oil Refining Company, Shell Oil Company, Inc., Sinclair Refining Company, Southeastern Oil Company, Standard Oil Company of Kentucky, Sun Oil Company, Texas Company.

#### ZONE 6

Allegheny Refiners, Inc., Allied Oil Company, Inc., Ashland Oil & Refining Company, Atlantic Refining Company, Bradford Penn Refining Corporation, Canfield Oil Company, Carbide & Carbon Chemicals Corporation, Cities Service Oil Company, Continental Oil Company, Continental Refining Company, Elk Refining Company, Freedom Oil Company, Frontier Fuel Oil Corporation, Gulf Oil Corporation, Hambleton Terminal Corporation, Kendall Refining Company, Pan American Petroleum & Transport Company, Pennsylvania Refining Company, Pennzoil Company, Pure Oil Company, Quaker State Oil Refining Corporation, Republic Oil Refining Company, Richfield Oil Corporation of New York, Shell Oil Company, Inc., Sinclair Refining Company, Socony-Vacuum Oil Company, Inc., Sonneborn Sons, Inc., Standard Oil Company of New Jersey, Sun Oil Company, Texas Company, Tide Water Associated Oil Company, United Oil Manufacturing Company, United Refining Company, Valvoline Oil Company, Viking Distributing Company, Waverly Oil Works Company, Wolf's Head Oil Refining Company, Inc., James River Oil Company.

#### EXHIBIT B

The six zones of District One are as follows:

Zone 1: The States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Zone 2: The entire eastern part of the State of New York up to and including the Counties of Cayuga, Tompkins, and Chemung; the entire eastern part of the State of Pennsylvania up to and including the Counties of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York; and the States of New Jersey and Delaware.

Zone 3: The States of Maryland and Virginia and the District of Columbia.

Zone 4: The States of North Carolina and South Carolina.

Zone 5: The States of Georgia and Florida.

Zone 6: That part of the States of New York and Pennsylvania not included in Zone 2, and the State of West Virginia.

[F. R. Doc. 43-18642; Filed, November 19, 1943; 11:43 a. m.]

[PDO 3, Supp. Order 1, Rev.]

#### PART 1526—MARKETING FUEL OIL

Section 1526.2 *Supplementary Order No. 1 to Petroleum Distribution Order No. 3* (8 F.R. 3535) is hereby revoked, effective immediately.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of November 1943.

HAROLD L. ICKES,  
*Petroleum Administrator  
for War.*

[F. R. Doc. 43-18619; Filed, November 10, 1943; 10:45 a. m.]

#### Chapter XIX—Defense Supplies Corporation

[Reg. 2, Amdt. 1]

#### PART 7002—BUTTER PRODUCTION PAYMENTS

##### MISCELLANEOUS AMENDMENTS

Regulation No. 2 of Butter Production Payments, issued by Defense Supplies Corporation on June 7, 1943, is amended as follows:

A new paragraph (g) is added to § 7002.1, to read as follows:

(g) "Process butter" means renovated or processed butter as defined in section 2320, paragraph (c) of the Internal Revenue Code.

Section 7002.2 is amended to read as follows:

§ 7002.2 *Persons eligible to apply for payments*—(a) *Butter manufactured after May, 1943.* Any person who manufactures 1,000 pounds or more of butter in any one establishment in any calendar month may file an application for payment on account of such butter manufactured during a calendar month after May, 1943.

(b) *Butter manufactured after September, 1943:* Any person who owns or operates a plant manufacturing dairy products and who is required by the United States Department of Agriculture to report his manufacture of dairy products on Dairy Products Report No. 1.

(U. S. D. A. Form No. C. E. 9-119) and who manufactures less than 1,000 pounds of butter in any one establishment in any calendar month may file an application for payment on account of such butter manufactured during a calendar month after September, 1943.

(c) *Process butter.* Any person who produces butter may file an application for payment on account of such process butter produced during a calendar month after September, 1943.

Paragraph (a) of § 7002.3 is amended to read as follows:

(a) *Place of filing*—(1) *Butter.* Applications for payment on account of butter manufactured shall be mailed in the same envelope with Dairy Products Report No. 1 (U.S.D.A. Form No. C. E. 9-119) to P. O. Box No. 6910-A, Chicago, Illinois.

(2) *Process butter.* Applications for payment on account of process butter produced shall be mailed to Defense Supplies Corporation, 208 South LaSalle Street, Chicago, Illinois. Each claim shall be accompanied by a copy certified to be a true copy of the first page of the original of the applicant's report to the Bureau of Internal Revenue (Form 216 of the Treasury Department, Internal Revenue Service) of his process butter operations during the period covered by the application.

Paragraph (c) of § 7002.3 is amended by inserting after the words "butter manufactured" the words "or process butter produced."

Paragraph (a) of § 7002.4 is amended by adding at the end thereof the words "or process butter."

Paragraph (a) of § 7002.5 is amended to read as follows:

(a) *Rate of payment.* Defense Supplies Corporation will make payment on approved claims at the rate of five cents per pound for butter manufactured or for process butter produced.

Paragraph (b) of § 7002.5 is amended to read as follows:

(b) *Base of payment.* Payments will be made on the amount of butter or process butter to the nearest pound manufactured by an applicant during the calendar month covered by his application. A claim may be approved in whole or in part.

Paragraph (a) of § 7002.6 is amended by inserting after the word "butter" the words "or process butter."

Paragraph (b) of § 7002.6 is amended to read as follows:

(b) *Payments to producers of butterfat*—(1) *Butter.* Defense Supplies Corporation shall have the right to declare invalid in whole or in part any claim for butter manufactured of any applicant who fails to pass on to producers of butterfat the benefits secured from payments under this regulation, either in the original purchase price or through provision for supplementary payments.

(2) *Process butter.* Defense Supplies Corporation shall have the right to declare invalid in whole or in part any

No. 231—5

claim for process butter produced of any applicant who fails to pass on to the persons from whom he buys raw material containing butterfat, the benefits secured from payments under this regulation, either in the original purchase price or through provision for supplementary payments.

Section 7002.8 is amended by inserting after the words "butter manufactured" the words "or process butter produced."

This amendment shall become effective as of October 1, 1943.

Issued this 11th day of October, 1943.

DEFENSE SUPPLIES CORPORATION,  
By GEORGE H. HILL, Jr.,  
Executive Vice President.

[F. R. Doc. 43-18615; Filed, November 18, 1943;  
4:31 p. m.]

[Reg. 3, Amdt. 1]

PART 7003—LIVESTOCK SLAUGHTER-  
PAYMENTS

MISCELLANEOUS AMENDMENTS

Regulation No. 3 of Livestock Slaughter Payments, issued by Defense Supplies Corporation on June 16, 1943, is amended as follows:

The following new paragraph (p) is substituted for paragraph (p) in § 7003.1:

(p) "Packer" has the same meaning as the term "slaughterer" or "commercial slaughterer" as defined in MRO 1, and shall include any person to whom a license has been issued as a Class 1 Slaughterer under Food Distribution Order No. 75, as amended, issued by the Food Distribution Administration.

The following new paragraph (w) has been added to § 7003.1:

(w) "License" means the license to slaughter issued under Food Distribution Order No. 75, as amended, issued by the Food Distribution Administration.

The following section is substituted for § 7003.2:

§ 7003.2 *Persons eligible to apply for payment*—(a) *Prior to September 1, 1943.* Any person who has a permit or registration and whose permit or registration has not been suspended or revoked and who slaughters 4,000 pounds or more of livestock, live weight, in any one establishment in any one calendar month after May, 1943, may file an application for payment on account of such livestock slaughtered in each such establishment on and after June 7, 1943. No person who kills livestock for the account of others is eligible to file application for payment on account of such livestock.

(b) *On and after September 1, 1943.* Any person who has a permit, registration or license and whose permit, registration or license has not been suspended or revoked and who slaughters 2,500 pounds or more of livestock, live weight, in any one calendar month after August, 1943, may file an application for payment on account of such livestock slaughtered on and after Sept. 1, 1943. No person who kills livestock for the account of others is eligible to file appli-

cation for payment on account of such livestock.

Paragraph (c) of § 7003.6 is amended by changing the period appearing at the end of the last sentence therein to a comma and adding thereto the following:

*Provided, That Defense Supplies Corporation shall have the right to require instead the keeping of such other records as may be necessary to support applications for subsidy payments if records of live weight are not available.*

Paragraph (c) of § 7003.7 is amended by changing the period appearing at the end of the last sentence therein to a comma and adding thereto the following:

*Provided, That Defense Supplies Corporation shall have the right to require instead the keeping of such other records as may be necessary to support applications for subsidy payments if records of live weight are not available.*

Paragraph (c) of § 7003.8 is amended by changing the period appearing at the end of the last sentence therein to a comma and adding thereto the following:

*Provided, That Defense Supplies Corporation shall have the right to require instead the keeping of such other records as may be necessary to support applications for subsidy payments if records of live weight are not available.*

This amendment shall become effective as of September 1, 1943.

Issued this 18th day of September 1943.

DEFENSE SUPPLIES CORPORATION,  
By GEORGE H. HILL, Jr.,  
Executive Vice President.

[F. R. Doc. 43-18616; Filed, November 18, 1943;  
4:31 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping  
Administration

[Rev. Gen. Order 6, Supp. 3]

PART 305—INSURANCE

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Act approved June 29, 1940 (54 Stat. 689), as amended, and Executive Order 9054, February 7, 1942 (7 F.R. 837), General Order 6, Revised, is amended and supplemented as follows:

Section 305.11 *Clauses appearing in certain facultative cargo war risk insurance policies* as published in General Order 6, Revised, is amended by adding thereto the following clause:

(a) \* \* \*

8. In the event that the goods insured have been purchased by the assured named herein prior to loading on board the overseas vessel, then in lieu of furnishing either one of the affidavits in the event of loss prescribed in Loss Clause I and Loss Clause II, the assured named herein may in the event of loss file an affidavit that the amount claimed does not

exceed the actual amount paid or payable to the seller for the goods less all discounts, plus ocean freight war risk insurance premiums payable hereunder and marine insurance premiums if not included in the amount so paid or payable, plus 5 per cent.

Effective with the date of the publication of this supplement in the FEDERAL REGISTER, § 305.118 *Warshipencargo Policy form*. Part I of the form is amended as follows:

By redesignating paragraph (c) thereof as (d), and amending the same so that it shall read:

(d) The affidavit provided for pursuant to the foregoing paragraphs (a), (b) and (c), shall be subject to the provisions of section 35 (a) of the Criminal Code.

Part I of Warshipencargo Policy form is further amended by inserting a new paragraph (c) reading:

(c) In the event that the goods insured have been purchased by the named assured prior to loading on board the overseas vessel, then in lieu of furnishing either one of the affidavits in the event of loss prescribed in paragraphs (a) and (b) above or in Standard Optional Endorsement No. XII, the said assured may in the event of loss file an affidavit that the amount claimed does not exceed the actual amount paid or payable to the seller for the goods less all discounts, plus ocean freight war risk insurance premiums payable hereunder and marine insurance premiums if not included in the amount so paid or payable, plus 5 per cent.

In the event the purchase is by any principal named in any Standard Optional Endorsement No. IV which may be part of the policy both the agent and the named principal shall be deemed to be included in the term "named assured" for the purpose of this clause.

Subpart A, Cargo Insurance, Open Policy Cargo War Risk Insurance is supplemented by adding the following:

§ 305.200 *Certificate*. Whenever, with respect to cargo war risk insurance, the provisions of any section of General Order 6, Revised, or any supplement thereto require the execution of an affidavit, an appropriate certification in the following manner may be used in lieu of such required affidavit:

(a) I, individually, under the penalties provided by section 35 (a) of the Criminal Code of the United States, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America acting by and through the War Shipping Administration to rely thereon.

(b) I, individually, and on behalf of the named policy-holder, a partnership, for whom I declare I have the power to make this certificate, under the penalties provided by section 35 (a) of the Criminal Code of the United States, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America acting by and through the War Shipping Administration to rely thereon.

(c) I, individually, and on behalf of the named policy-holder, a corporation, for whom I declare I have the power to make this certificate, under the penalties provided by sec-

tion 35 (a) of the Criminal Code of the United States, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America acting by and through the War Shipping Administration to rely thereon.

The heading of the paragraph of Supplement 2 to General Order 6, Revised, reading "§ 305.153 *Automatic Reinstatement Endorsement*" is corrected to read "§ 305.135 *Automatic Reinstatement Endorsement*".

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,  
*Administrator.*

NOVEMBER 18, 1943.

[F. R. Doc. 43-18599; Filed, November 18, 1943;  
2:23 p. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bureau of Reclamation.

BOX ELDER CREEK RESERVOIR SITE, S. DAK.

REVOCATION OF FIRST FORM WITHDRAWAL

OCTOBER 30, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in the State of South Dakota, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental order of June 25, 1903, no longer appears necessary.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

BOX ELDER CREEK RESERVOIR SITE

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 2 N., R. 7 E.,  
Secs. 4, 9, 10, 15 and 16.

Respectfully,

J. KENNARD CHEADLE,  
*Acting Commissioner.*

I concur November 8, 1943.

FRED W. JOHNSON,  
*Commissioner of the  
General Land Office.*

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,  
*First Assistant Secretary.*

NOVEMBER 9, 1943.

[F. R. Doc. 43-18617; Filed, November 19, 1943;  
10:17 a. m.]

#### DEPARTMENT OF LABOR.

##### Office of the Secretary.

[Case No. S-385]

##### FULLER MOTOR DELIVERY Co.

#### FINDINGS REGARDING TRANSPORTATION OF COAL

Finding of the Secretary, WLD-9.

Whereas the Fuller Motor Delivery Company, Cincinnati, Ohio, is engaged in transportation of coal by motor vehicle for delivery to industrial users, pursuant to contract with the Hatfield Campbell Creek Coal Company, Cincinnati, Ohio, a producer and distributor of coal;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st Sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943,

I find that transportation of coal by motor vehicle for delivery to industrial users by the Fuller Motor Delivery Company, Cincinnati, Ohio, pursuant to its contract with the Hatfield Campbell Creek Coal Company, Cincinnati, Ohio, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Dated at Washington, D. C., this 18th day of November 1943.

FRANCES PERKINS,  
*Secretary of Labor.*

[F. R. Doc. 43-18632; Filed, November 10, 1943;  
11:27 a. m.]

#### Wage and Hour Division.

##### INDEPENDENT TELEPHONE INDUSTRY

##### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

In the matter of the amendment of the regulations applicable to the employment of learners at subminimum wage rates in the independent telephone industry.

Whereas sundry parties have filed applications setting forth reasonable grounds for the amendment of Regulations, Part 522, §§ 522.081 to 522.090 (regulations applicable to the employment of learners in the independent telephone industry), to increase the length of the learning period for learners in the independent telephone industry at minimum wage rates lower than the minimum applicable under section 6 of the Fair Labor Standards Act of 1938,

Now, therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938 and § 522.12 of Regulations, Part 522, issued thereunder, notice is hereby given of a public hearing to be held in Room 1001, 165 West 46th Street, New York, New York to commence at 10 a. m. on December 1, 1943 before Merle D. Vincent, a duly authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument on the following question:

What, if any, amendments should be made to the Regulations Applicable to the Em-

ployment of Learners in the Independent Telephone Industry.

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings together with his findings of fact and recommendations thereon.

As used in this notice the independent telephone industry includes only those companies which are engaged in the commercial operation of telephone exchanges and which are not owned or controlled by the American Telephone and Telegraph Company (Bell System) or its subsidiaries.

Any interested person may appear at the hearing to offer evidence provided that not later than November 30, 1943, such person shall file with the Administrator of the Wage and Hour Division, U. S. Department of Labor, 165 West 46th Street, New York 19, New York, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.
3. A statement whether the appearance is in support of or in opposition to the applications for amendment.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at New York, New York, this 17th day of November 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-18633; Filed, November 19, 1943; 11:29 a. m.]

#### DIAMOND CUTTING INDUSTRY

##### ORDER CANCELLING SPECIAL CERTIFICATES

Order of cancellation of all special certificates, including temporary special certificates, authorizing the employment of apprentices at subminimum wage rates in the mainland and Puerto Rican branches of the diamond cutting industry pursuant to section 14 of the Fair Labor Standards Act of 1938 and Part 521, as amended, of the regulations issued thereunder.

Whereas a public hearing was held on June 27 and June 28, 1941 before Oscar W. Ross, Examiner, on the question of what, if any, adjustment should be made in wage rates for apprentices in the diamond cutting industry in Puerto Rico; and

Whereas said hearing was adjourned by the presiding officer subject to call pending further study of appropriate wage scales for apprentices in the diamond cutting industry in Puerto Rico and on the Mainland; and

Whereas after notice published in the FEDERAL REGISTER on June 1, 1943, said hearing was continued on June 29, 1943 before Merle D. Vincent, a duly authorized representative of the Administrator

of the Wage and Hour Division of the Department of Labor, who received evidence on the question of what, if any, adjustment should be made in wage rates for apprentices in the diamond cutting industry in Puerto Rico and on the Mainland; and

Whereas the said Merle D. Vincent, on the basis of evidence presented at the said hearings, made the following findings:

1. That it is not necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of apprentices in the Mainland branch of the diamond cutting industry at wage rates lower than the minimum applicable under section 6 of the Fair Labor Standards Act of 1938; and

2. That it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of apprentices in the Puerto Rican branch of the diamond cutting industry at wage rates lower than the minimum applicable under section 6 of the Fair Labor Standards Act of 1938; and

3. That present apprentice wage rates in the Puerto Rican branch of the diamond cutting industry are inadequate for a decent standard of living, are not competitively consistent with rates paid in the Mainland branch of the industry and are lower than those necessary to prevent curtailment of opportunities for employment;

and therefore recommended cancellation of all special certificates, including temporary special certificates, authorizing the employment of apprentices at subminimum wage rates in the Mainland and Puerto Rican branches of the diamond cutting industry; and

Whereas I have examined the record of these proceedings and find that the findings of the Presiding Officer are supported by the evidence and that his recommendations should be adopted to effectuate the purposes of the Act,

Now, therefore, it is ordered, That effective November 20, 1943 and until further notice, all outstanding special certificates, including temporary special certificates, authorizing the employment of apprentices in the Mainland and Puerto Rican branches of the diamond cutting industry at wage rates lower than the minimum applicable under section 6 of the Fair Labor Standards Act of 1938, are hereby cancelled.

The term "Mainland branch of the diamond cutting industry" shall mean that branch of the industry which is located in the continental United States.

In accordance with the procedure established by § 521.8 of Regulations, Part 521, any person aggrieved by the cancellation of the afore-mentioned certificates may, within 15 days of such action, request reconsideration thereof or petition for review of such decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review. If a request for reconsideration or a petition for review is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for.

Requests for reconsideration and petitions for review should be submitted in writing to the national office of the

Wage and Hour Division, 165 West 46th Street, New York 19, New York.

Signed at New York this 18th day of November, 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-18635; Filed, November 19, 1943; 11:29 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

##### UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 30th day of October, A. D. 1943.

In the matter of the order of July 13, 1937, effective July 1, 1937 prescribing operating revenue account 117, "Protective service—Perishable freight," for steam roads, and subsequent orders finally changing the effective date to January 1, 1944.

It is ordered, That the effective date be changed to January 1, 1945.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18638; Filed, November 19, 1943; 11:30 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

##### Regional and District Office Orders.

[Region I Order G-16 Under 18 (c), MPR 280 and MPR 323, Amdt. 8]

##### FLUID MILK IN MASSACHUSETTS

Amendment 8 to Order No. G-16 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts (formerly General Order 16).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended, it is hereby ordered that subparagraphs (8) and (16) of paragraph (a) be amended, and that subparagraph (8) of paragraph (1) be added, to read as set forth below:

(a) \* \* \*

(8) Massachusetts Milk Marketing Area 5B;

(1) The towns of Ashfield, Belchertown, Bernardston, Blandford, Charlemont, Chester, Chesterfield, Colrain, Conway, Cummington, Goshen, Granby, Granville, Hatfield, Hawley, Heath, Huntington, Leverett, Leyden, Middlefield, Monroe, Montgomery, New Salem, Northfield, Pelham, Plainfield, Rowe, Russell, Shutesbury, Southampton, Southwick, Sunderland, Tolland, Ware, Warwick, Wendell,

Westhampton, Whatley, Williamsburg, and Worthington:

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles.....	\$0.15	\$0.14	\$0.125
Pint bottles.....			.07
10-ounce bottles.....			.055
Half-pint bottles.....			.0375
10-qt. cans (per qt.).....			.12

Price to producers: \$4.02 per hundredweight.

(11) The town of Orange:

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles.....	\$0.155	\$0.145	\$0.13
Pint bottles.....			.075
10-ounce bottles.....			.055
Half-pint bottles.....			.04
10-qt. cans (per qt.).....			.125

Price to producers: \$4.02 per hundredweight.

(16) Massachusetts Milk Marketing Area 7F (The towns of Athol and Royalston):

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles.....	\$0.155	\$0.145	\$0.13
Pint bottles.....			.075
10-ounce bottles.....			.055
Half-pint bottles.....			.04
8-quart cans.....	1.24		1.00

Price to producers: \$4.02 per hundredweight.

(1) \* \* \*

(8) Amendment No. 8 shall become effective November 14, 1943, at 12:01 a. m. (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued November 13, 1943.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 43-18607; Filed, November 18, 1943; 3:14 p. m.]

[Region VI Order G-1 Under MPR 426]

LETTUCE IN CHICAGO REGION, ILL.

Amendment No. 1 to Order No. G-1 under section 2 of Maximum Price Regulation No. 426. Adjustment of maximum prices of lettuce in Region VI.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1439.3, Article I, section 2, of Maximum Price Regulation No. 426, it is hereby ordered that paragraph (b) and paragraph (c) (2) be amended to read as set forth below:

(b) *Maximum prices in terminal market cities.* Immediately following in this paragraph is a schedule which sets forth maximum prices for sales from, within or into the listed terminal market cities:

SCHEDULE OF PRICES IN TERMINAL MARKET CITIES

	Chicago and Milwaukee			St. Paul, Minneapolis and Des Moines			Omaha, Nebraska		
	Item 1 L. A. Crato	Item 2 per lb.	Item 3 per lb.	Item 1 L. A. Crato	Item 2 per lb.	Item 3 per lb.	Item 1 L. A. Crato	Item 2 per lb.	Item 3 per lb.
(1) Carlot or trucklot receivers:									
(i) From railroad car or truck.....	\$4.52	\$0.075	\$0.155	\$4.52	\$0.075	\$0.155	\$4.45	\$0.075	\$0.155
(ii) F. o. b. seller's warehouse provided that lettuce has been removed from railroad car or truck and has been transported to a place in seller's warehouse.....	4.72	.078	.158	4.62	.077	.157	4.55	.077	.157
(iii) Delivered free to the physical premises of the purchaser in the terminal market city.....	4.82	.080	.16	4.72	.078	.163	4.65	.078	.163
(iv) Delivered to the premises of any purchaser outside of the terminal market city.....	4.72	1.078	1.158	4.62	1.077	1.157	4.55	.077	1.157
(2) Distributing wholesalers:									
(i) F. o. b. the seller's premises to retailers, hotels, restaurants or institutions.....	5.07	.085	.165	4.97	.083	.163	4.90	.083	.163
(ii) Delivered free to the physical premises of a retailer anywhere.....	5.17	.086	.166	5.07	.085	.165	5.00	.085	.165
(iii) Delivered free to the physical premises of a hotel, restaurant, or institution anywhere.....	5.27	.088	.168	5.17	.086	.166	5.10	.086	.166
(iv) F. o. b. the seller's warehouse to anyone except a retailer, hotel, restaurant or institution.....	4.72	.078	.158	4.62	.077	.157	4.55	.077	.157
(v) Delivered free to the physical premises of anyone except a retailer, hotel, restaurant or institution.....	4.82	.08	.16	4.72	.078	.158	4.65	.078	.158

1 Plus transportation.

(c) (2) *Distributing wholesalers.* A seller who receives lettuce in less than carlot or trucklot quantities and sells to anyone other than ultimate consumers shall compute a base price for lettuce by adding to \$3.25 the freight from Salinas, California to the terminal market city nearest freightwise to the seller's wholesale receiving point. To this base price he shall add the lower of "transportation" from (a) the terminal market city nearest freightwise to the seller's wholesale receiving point or (b) from the actual carlot or trucklot receiving point to the seller's wholesale receiving point.

The result is seller's adjusted base price. A seller of Item 1 lettuce shall add to the adjusted base price the designated amount found in the Item 1 column for the particular place of purchase. A seller of Item 2 or Item 3 lettuce shall divide the adjusted base price by 60 and add the indicated amounts in the Items 2 or 3 columns for the particular place of purchase. The first three columns apply to sales of lettuce shipped from the Chicago and Milwaukee terminal markets. The remaining three columns apply to all other sales.

	Purchases from Chicago or Milwaukee			Purchases from all other places		
	Item 1 L. A. Crato	Item 2 per lb.	Item 3 per lb.	Item 1 L. A. Crato	Item 2 per lb.	Item 3 per lb.
(i) F. o. b. the seller's premises to retailers, hotels, restaurants, or institutions.....	\$0.70	\$0.0117	\$0.0317	\$0.60	\$0.01	\$0.03
(ii) Delivered free to the physical premises of a retailer.....	.80	.0133	.0333	.70	.0117	.0317
(iii) Delivered free to the physical premises of a hotel, restaurant, or institution.....	.90	.0150	.0350	.80	.0133	.0333
(iv) F. o. b. the seller's warehouse to anyone except a retailer, hotel, restaurant or institution.....	.85	.0058	.0258	.25	.0041	.0241
(v) Delivered free to the physical premises of anyone except a retailer, hotel, restaurant or institution.....	.45	.0075	.0275	.35	.0058	.0258

This amendment to Order No. G-1 shall become effective on the 20th day of October 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of October 1943.

RAYMOND S. MCKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-18608; Filed, November 18, 1943; 3:14 p. m.]

[Region VI Order G-6 Under SR 15 and MPR 280, Amdt. 1]

FLUID MILK IN PLATTSMOUTH, NEBR.

Amendment No. 1 to Order No. G-6 under § 1499.75 (a) (9) of Supplementary

Regulation No. 15 to the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices for Plattsmouth, Nebraska.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and by § 1351.807 (a) of Maximum Price Regulation No. 280, it is ordered that paragraph (a) and paragraph (b) be amended to read as set forth below:

(a) *Maximum prices for sales at wholesale in bulk.* The maximum price

for the sale and delivery of fluid milk at wholesale in bulk in the Plattsmouth, Nebraska area shall be 36¢ per gallon, or the seller's maximum price as determined under § 1499.2 of the General Maximum Price Regulation or by or pursuant to any regulation supplementary thereto, whichever is higher.

(b) *Maximum prices in bottles and paper containers.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Plattsmouth, Nebraska area shall be the seller's maximum price as determined under paragraph 1499.2 of the General Maximum Price Regulation or pursuant to any regulation supplementary thereto, or the applicable adjusted price specified in the schedule set forth below, whichever is higher:

Container size	Wholesale	Retail
	Cents	Cents
Gallon.....	36	44
Quart.....	9½	11½
Pint.....	6	7
Half pint.....	3½	5

This amendment to Order No. G-6 shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of November 1943.

RAYMOND S. McKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-18612; Filed, November 18, 1943; 3:15 p. m.]

[Region VI Order G-9 Under SR 15, MPR 280 and MPR 329]

**FLUID MILK IN BUSHNELL, ILL.**

Order No. G-9 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products, and under § 1351.408 (a) of Maximum Price Regulation No. 329. Purchases from producers for resale as fluid milk. Adjustment of fluid milk prices for Bushnell, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and by § 1351.408 (a) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in Bushnell, Illinois, shall be \$2.90 per cwt. for 4 per cent milk, plus no more than 5¢ for each 1/10 of a pound of butterfat above 4 per cent and minus no less than 5¢ for each 1/10 of a pound of butterfat below 4 per cent.

(b) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk at wholesale and retail in the Bushnell, Illinois, area shall be:

Regular milk and chocolate milk	Wholesale	Retail
	\$2.05	\$2.44
Sales in bulk.....		
Sales in bottles and paper containers:		
Gallon.....	.03	.44
Quart.....	.11	.13
Pint.....	.03	.07
One-half pint.....	.03½	.03

(c) *Definitions.* For the purpose of this order:

1. Sales and deliveries within the Bushnell, Illinois, area shall mean:

i. All sales made within the city limits of Bushnell, Illinois, and all sales at or from an establishment located in Bushnell, Illinois; and

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Bushnell, Illinois.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(d) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall apply.

(e) This order may be revoked, amended or corrected at any time.

This order shall become effective November 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of November 1943.

RAYMOND S. McKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-18610; Filed, November 18, 1943; 3:14 p. m.]

[Region VI Order G-97 Under 18 (c)]

**LUDEFISK IN CHICAGO DISTRICT, ILL.**

Order No. G-97 under § 1499.18 (c) of the General Maximum Price Regulation. Ludefish sold by processors.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices established.* The maximum prices for the sale of ludefish by processors, f. o. b. processor's plant, shall be as follows:

(1) *For sales to retail stores, hotels, restaurants, governmental users and institutions:*

Product	Quantity	Price per lb.
Canadian stock fish.....	Any.....	16½¢
Iceland cphs stock fish.....	Under 200 lbs.....	17½¢
Iceland cphs stock fish.....	200 lbs. or over.....	17¢

(2) *For sales to buyers other than those covered in paragraph (a) (1) above:*

Product	Quantity	Price per lb.
Canadian stock fish.....	Any.....	14¢
Iceland cphs stock fish.....	Under 200 lbs.....	15½¢
Iceland cphs stock fish.....	200 lbs. or over.....	15¢

(b) *Geographical applicability.* This order shall apply to all sales of ludefish pursuant to which physical delivery is made within the states of Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska and Wisconsin.

(c) *Definition of ludefish.* For the purposes of this order ludefish is a seasonal processed fish product, made from whole dried cod fish, salted or unsalted, and commonly known to the trade under the designations of ludefish, lutefisk, lutisk and lut-fisk.

(d) *Revocability.* This order may be amended, corrected or revoked at any time.

(e) *Effective date.* This order shall become effective November 15, 1943.

(56 Stat. 25, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

RAYMOND S. McKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-18609; Filed, November 18, 1943; 3:14 p. m.]

[Region VIII Order G-62 Under 18 (c), Amdt. 1]

**TRANSPORTATION OF RAISINS IN CALIFORNIA**

Amendment No. 1 to Order No. G-62 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of raisins by motor carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, it is hereby ordered that Order No. G-62 under § 1499.18 (c) as amended of the General Maximum Price Regulation be amended in the following particulars:

Paragraph (a) is amended to read as follows:

(a) The adjusted maximum prices which may be charged by any carrier other than a common carrier for the service of transporting raisins by motor truck between any two points in the State of California when the dis-

tance hauled does not exceed 120 miles, including the service of returning empty boxes to the point of origin, shall be as follows in cents per hundred pounds:

Miles		Adjusted maximum prices
<i>Over</i>	<i>But not over</i>	
0	15	10
15	25	11½
25	35	13
35	45	14½
45	55	16
55	65	17
65	75	18
75	85	19
85	100	20
100	120	21

(b) This amendment shall become effective November 16, 1943, and shall apply to all services rendered after September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4631)

Issued this 12th day of November 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18613; Filed, November 18, 1943; 3:15 p. m.]

[Region VIII Order G-71 Under 18 (c)]

**FIREWOOD IN DESIGNATED COUNTIES IN WASHINGTON AND IDAHO**

Order No. G-71 under § 1499.18 (c) as Amended of the General Maximum Price Regulation. Certain firewood in Asotin County, Washington, and Nez Perce County, Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, it is hereby ordered:

(a) The maximum prices for certain sales and deliveries of the specified kinds of firewood in Asotin County, Washington, and Nez Perce County, Idaho, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, shall be as specified in the schedules set forth below:

(1) For sales delivered to the premises of the consumer in those parts of Asotin County, Washington, and Nez Perce County, Idaho, located within the city limits of the cities of Lewiston, Idaho; Clarkston, Washington; and Asotin, Washington, and in the area within ten miles of the corporate limits of these said cities:

Length of wood	Unit of sale	Maximum price
4 ft.	Cord	\$12.00
16 in. or shorter	Cord	13.50
16 in.	1 rick	5.00
12 in.	1 rick	4.25

(2) For sales delivered to the premises of the consumer at any point in Asotin County, Washington, and Nez Perce County, Idaho, other than the territory specified in paragraph (b) (1):

Length of wood	Unit of sale	Maximum price
4 ft.	Cord	\$10.00
16 in. or shorter	Cord	11.50
16 in.	1 rick	4.50
12 in.	1 rick	3.75

(3) For sales f. o. b. seller's distribution yard by dealers located in the cities of Lewiston, Idaho; Clarkston, Washington; and Asotin, Washington:

Length of wood	Unit of sale	Maximum price
4 ft.	Cord	\$11.00
16 in. or shorter	Cord	12.50

(c) If in March 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(d) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(e) This order may be revoked, amended, or corrected at any time. This order shall become effective upon its issuance.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4631)

Issued this 13th day of November 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18611; Filed, November 18, 1943; 3:15 p. m.]

**LIST OF COMMUNITY CEILING PRICE ORDERS**

The following orders under General Order 51 were filed with the Division of the Federal Register on November 17, 1943.

**REGION II**

Syracuse, Order No. 12, filed 4:30 p. m.  
Syracuse, Order No. 13, filed 4:30 p. m.  
Trenton, Order No. 9, filed 4:32 p. m.

**REGION III**

Detroit, Order No. 8, Amendment No. 2, filed 4:32 p. m.

**REGION IV**

Atlanta, Order No. 9, Amendment No. 7, filed 12:27 p. m.  
Birmingham, Order No. 11, Amendment No. 1, filed 4:32 p. m.  
Jackson, Order No. 6, Amendment No. 9, filed 12:27 p. m.  
Roanoke, Order No. 9, filed 4:31 p. m.  
Savannah, Order No. 13, filed 4:31 p. m.

**REGION V**

St. Louis, Order No. 6, Amendment No. 2, filed 4:31 p. m.  
St. Louis, Order No. 7, Amendment No. 3, filed 4:31 p. m.  
St. Louis, Order No. 8, Amendment No. 2, filed 4:32 p. m.

**REGION VI**

Fargo-Moorhead, Order No. 15, filed 12:34 p. m.  
Fargo-Moorhead, Order No. 16, filed 12:34 p. m.  
Peoria, Order No. 5, Amendment No. 4, filed 12:35 p. m.  
Springfield, Order No. 17, filed 12:28 p. m.  
Springfield, Order No. 18, filed 12:28 p. m.  
Springfield, Order No. 19, filed 12:29 p. m.  
Springfield, Order No. 20, filed 12:29 p. m.  
Springfield, Order No. 21, filed 12:30 p. m.  
Springfield, Order No. 22, filed 12:35 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-18621; Filed, November 19, 1943; 11:14 a. m.]

**RAILROAD RETIREMENT BOARD.**

[Jurisdictional Docket No. 23]

**SOUTHERN PACIFIC CO. AND MORRISON-KNUDSEN CO., Inc.**

**NOTICE OF HEARING**

Employee status of individuals performing service under certain agreements of the Southern Pacific Company, San Francisco, California, with the Morrison-Knudsen Company, Inc., Boise, Idaho.

Pursuant to regulations under the Railroad Unemployment Insurance Act (45 U.S.C. 351-367), Part 319, §§ 319.42 et seq., the following orders have been issued:

*Order Awarding Benefits on the Basis of Compensation Earned in Service Under Certain Agreements of the Southern Pacific Company, With the Morrison-Knudsen Company, Inc.*

In accordance with the determination of the issues presented and passed upon in my opinion of March 31, 1943, L-43-256 (General Counsel's Opinion No. 1943 R.R. 13), holding that individuals who are, or have been, engaged in the performance of service under an agreement dated December 15, 1942, and a supplemental agreement dated January 11, 1943, between the Southern Pacific Company and the Morrison-Knudsen Company, Inc., covering track maintenance

work on specified divisions of the Southern Pacific Company, are, and have been subject to the continuing authority of the Southern Pacific Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the above-mentioned agreements employees of the Southern Pacific Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act:

Benefits are hereby awarded to all individuals whose compensation earned in service under the above-mentioned agreements exclusively or in addition to compensation earned in other employee service for covered employers, is \$150 or more in the applicable base year, such benefits to be determined in accordance with section 2 (a) of the Railroad Unemployment Insurance Act by including compensation earned in service under the above-mentioned agreements, and to be payable for any days of unemployment established in accordance with the Railroad Unemployment Insurance Act and applicable regulations: *Provided, however,* That all benefits paid pursuant to this award shall be paid subject to a right of recovery thereof as provided in section 5 (c) of the Railroad Unemployment Insurance Act.

Order entered and award of benefits made pursuant to authority vested in me by regulations § 319.40, this 19th day of October, 1943.

JOSEPH H. FREEHILL,  
General Counsel.

*Order Reopening Initial Determination on Employee Status of Individuals Performing Service Under Certain Agreements of the Southern Pacific Company With the Morrison-Knudsen Company, Inc., and Designating Examiner*

Whereas, the General Counsel on March 31, 1943, issued an opinion, L-43-256 (General Counsel's Opinion No. 1943 R. R. 13), that individuals who are, or have been, engaged in the performance of service under an agreement dated December 15, 1942, and a supplemental agreement dated January 11, 1943, between the Southern Pacific Company and the Morrison-Knudsen Company, Inc., covering track maintenance work on specified divisions of the Southern Pacific Company, are, and have been, subject to the continuing authority of the Southern Pacific Company to supervise and direct the manner of rendition of their service, which service they render for compensation, and therefore that such individuals are, and have been, with respect to their service under the above-mentioned agreements employees of the

Southern Pacific Company under the Railroad Retirement Act and the Railroad Unemployment Insurance Act; and

Whereas, the Southern Pacific Company, through its General Solicitor, on April 16, 1943, notified the Chairman of the Board that the Southern Pacific Company questioned the correctness of the General Counsel's determination and requested an opportunity to be heard further on the question of the employee status of the individuals concerned; and

Whereas, in accordance with § 319.40 of Part 319 of the regulations governing proceedings under section 5 (c) of the Railroad Unemployment Insurance Act, the General Counsel on October 19, 1943, entered a general order awarding benefits on the basis of compensation earned in service under the above-mentioned agreements of the Southern Pacific Company with the Morrison-Knudsen Company, Inc., subject to a right of recovery of any benefits paid pursuant to such order as provided in section 5 (c) of the Railroad Unemployment Insurance Act;

Now, therefore, the General Counsel, pursuant to the authority vested in him by Part 319 of the regulations, orders and directs, That:

(1) The General Counsel's determination of March 31, 1943, L-43-256 (General Counsel's Opinion No. 1943 R. R. 13), be, and it hereby is, reopened for further consideration and proceedings in accordance with Part 319 of the regulations; and that

(2) For the conduct of such proceedings, Mr. Jacob Abramson is designated to serve as Examiner, with all powers, duties, and functions accruing to such Examiner pursuant to such designation under Part 319 of the said regulations. The Examiner shall arrange for a hearing at the earliest date meeting the convenience of parties in interest, and shall notify all parties properly interested in any issue involved in the proceeding of their right to participate in the proceeding and to present evidence and argument.

Dated: October 19, 1943.

JOSEPH H. FREEHILL,  
General Counsel.

Pursuant to the above orders, notice is hereby given that a hearing will be held Monday, December 6, 1943, at 10:00 a. m., in Room 449, Grand Jury Room, 4th floor, Post Office and Court House Building, Seventh and Mission Streets, San Francisco, California, on the question whether the individuals engaged in the performance of service under the agreement dated December 15, 1942, and the supplemental agreement dated January 11, 1943, between the Southern Pacific Company and the Morrison-Knudsen Company, Inc., covering track maintenance

work on specified divisions of the Southern Pacific Company, have been with respect to such service employees of the Southern Pacific Company under the Railroad Unemployment Insurance Act.

The Southern Pacific Company, the Morrison-Knudsen Company, Inc., the individuals who have been awarded benefits on the basis of pay earned in service under the above-mentioned agreements, and all other parties properly interested may participate in the hearing and will be afforded an opportunity to present evidence and to make arguments before the Examiner.

In preparation for, and in the conduct of, said hearing, the Examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. A record will be kept of all evidence and argument presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. The Examiner may require that copies of all exhibits admitted in evidence at the hearing be furnished by the party offering the same to all other parties participating or entering an appearance in the proceeding.

JACOB ABRAMSON,  
Examiner.

NOVEMBER 17, 1943.

[F. R. Doc. 43-18618; Filed, November 19, 1943; 10:42 a. m.]

## WAR PRODUCTION BOARD.

[Certificate 158]

PRINCIPAL PETROLEUM PRODUCTS IN  
DISTRICT ONE

APPROVAL OF PAW DIRECTIVE

The ATTORNEY GENERAL:

I submit herewith "Petroleum Directive 59 as amended December 1, 1943," of the Petroleum Administration for War.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the directive as amended; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Petroleum Directive 59 as amended December 1, 1943, is requisite to the prosecution of the war.

DONALD M. NELSON,  
Chairman.

NOVEMBER 11, 1943.

[F. R. Doc. 43-18641; Filed, November 19, 1943; 11:43 a. m.]

<sup>1</sup> *Supra.*

